



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON MARCH 8, 2023 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. Public Hearing - Conditional Use Permit for Kennel Use - Dog Training Elite Northern Utah Training Center located at 625 N 1250 W - ADMINISTRATIVE DECISION
The applicant has applied for a Conditional Use Permit seeking approval of a dog training center located at 625 N 1250 W. The center would be focused on training advanced obedience and service or therapy dogs.
2. Public Hearing - Small Subdivision Waiver - Eric Defries Subdivision - 1441 North Main Street - ADMINISTRATIVE DECISION
The applicant desires to subdivide/reconfigure the property into two (2) single-family lots. The property is currently developed with a larger older single-family home and a garage. Since the subdivision will be limited to two (2) lots, the applicant is seeking a "Small Subdivision Waiver," as outlined in CMC 15.02.070
3. Public Hearing - Zone Text Amendment - Hillside Overlay Zone - J. Mike Henrie, Applicant - LEGISLATIVE DECISION
The petitioner, Mr. J. Mike Henrie, desires to amend the zoning text for the Hillside Overlay in belief *"there should be a way for those residing in the Hillside Overlay to have the opportunity to increase [the] impervious material on [their] lots up to 60% to match the rest of the lots in Centerville."*

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report
Next Planning Commission Meeting - **March 22, 2023**
Tenative Items:

- *Conceptual Subdivision - Industrial Flex Development, Stokes Stevenson*

- *Conceptual Site Plan - Pheasant Brook Expansion*
- *Zone Text Amendment - Allowable Uses, Shorelands Commerce Park*

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

Jennifer Robison
Centerville City Recorder



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/8/2023

Item No. 1.

Title: Public Hearing - Conditional Use Permit for Kennel Use - Dog Training Elite Northern Utah Training Center located at 625 N 1250 W - ADMINISTRATIVE DECISION

Initiated By: Applicant

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

The applicant has applied for a Conditional Use Permit seeking approval of a dog training center located at 625 N 1250 W. The center would be focused on training advanced obedience and service or therapy dogs.

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 03-08-2023 CUP Dog Training Elite Northern Utah Training Center
2. Dog Training Elite Location.
3. Dog Training Elite - Owners Affidavit

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER:	CENTERVILLE FLEX PROJECT, LLC
APPLICANT:	COLLEEN TVORIK colleen@dogtrainingelite.com
PROPERTY LOCATION:	625 N 1250 W, STE 1 AND 2
PARCEL SIZE:	2.67 ACRES
ZONING DISTRICT:	INDUSTRIAL-HIGH
APPLICATION:	CONDITIONAL USE PERMIT FOR A KENNEL
RECOMMENDATION:	CONSIDER APPROVAL OF REQUEST

BACKGROUND

The applicant has applied for a Conditional Use Permit seeking approval of a dog training center located at 625 N 1250 W. The center would be focused on training advanced obedience and service or therapy dogs. The applicant has indicated that dogs would be dropped off and picked up on the same day, and no overnight stays would be permitted. Staff’s analysis of the full application is below.

CODE REQUIREMENTS

TABLE OF USES ALLOWED CZC 12.36

The desired use for this site is a dog training center. Under the definition section of the zoning code, *CZC 12.12.040*, a kennel is defined as, “an establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for profit, or selling”. In short, under city code a dog training center is considered

a kennel. A kennel is considered a commercial use and according to CZC 12.36.040 requires a conditional use permit in the Industrial-High zone.

APPROVE STANDARDS TO BE REVIEWED PER CZC 12.21.100(e)

The General Plan

The City's General Plan explains that for revenue to be generated for local services, "Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community" (CMC 12.430.1).

The proposed site is located within the West Centerville Neighborhood Plan. This specific plan has divided the west side into five districts and this site is located within the Centerville Business Park District. A primary goal of the plan is to enhance the Centerville City Business Park District. It states, "preserving the economic viability of a now aging development area is critical to the success of the neighborhood" (CMC 12.480.6).

The proposed use will be in an existing building occupying two suites, that otherwise could be vacant. While kennels are not specifically mentioned in the plan, Staff believes that this use would help achieve the vision, goals, and objectives of the General Plan.

Suitability and Harmony with the Proposed Site and Adjacent Property (CZC 12.21.100(e)(5) (A-C, F)

The proposed use will be located within an established industrial area, in an established building. Thus, transportation, traffic, water, sewer, and other utilities requirements have already been addressed. Surrounding businesses and uses include a commercial drone company, cleaning services, equipment suppliers, the city's public works department, and an elevator service provider.

Staff believes that this use and the existing site would be adequate for operating a dog training center. This business has the potential to be suitable for this site and harmonious with the surrounding uses, as dogs will be trained mainly inside, and no overnight stays will be permitted.

Impact on the Community and Safeguards to Minimize Impact (CZC 12.21.100(e)(5) (D, E, H-J)

Staff believes allowing this use would create a better economic influence on the surrounding area compared to leaving the site without a tenant. No aesthetic changes have been proposed by the applicant at this time. A common concern with animals is how

the noise and odors will be dealt with. The applicant has proposed the following solutions to mitigate those impacts.

1. Training will take place during normal business hours (Mon-Sat, 8am-7pm)
2. Dogs will always be under the supervision of a trainer
3. No dogs will be left unattended or ever left in the training center overnight
4. Pea gravel will be laid in the area directly north of the building to serve as a potty yard
5. Odor control products will be used and the potty yard will be cleaned daily
6. All training will be held in the building directly behind it
7. No training should affect any other buildings, local properties, or persons

In addition to those conditions proposed by the applicant, Staff is also suggesting a condition that the potty yard be screened from public view. With these conditions imposed, Staff is confident that the proposed use will have a minimal to no impact on the health, safety, and welfare of the area.

Adequate Access, Parking, Lighting, Fire Protection and Vehicular Circulations
(CZC 12.21.100(e)(5)(G))

As a result of the site already being developed, issues like utilities, transportation access, drainage, lighting, landscaping, open space, fire protection, and pedestrian/vehicular circulation have already been addressed. The main issue now is if there is adequate parking.

Per CZC 12.52.300 kennels require 1 parking space per 600 square feet of gross floor area. The building was constructed in 1995 and the original building permit indicates the entire building is 6,000 square feet. So, the required number of parking spaces is 10. This building has 11 dedicated parking spaces.

PLANNING STAFF RECOMMENDATIONS

SUGGESTED MOTION

"I hereby make a motion for the Planning Commission to APPROVE a Conditional Use Permit for Dog Training Elite Northern Utah Training Center located at 625 N 1250 W with the following conditions:

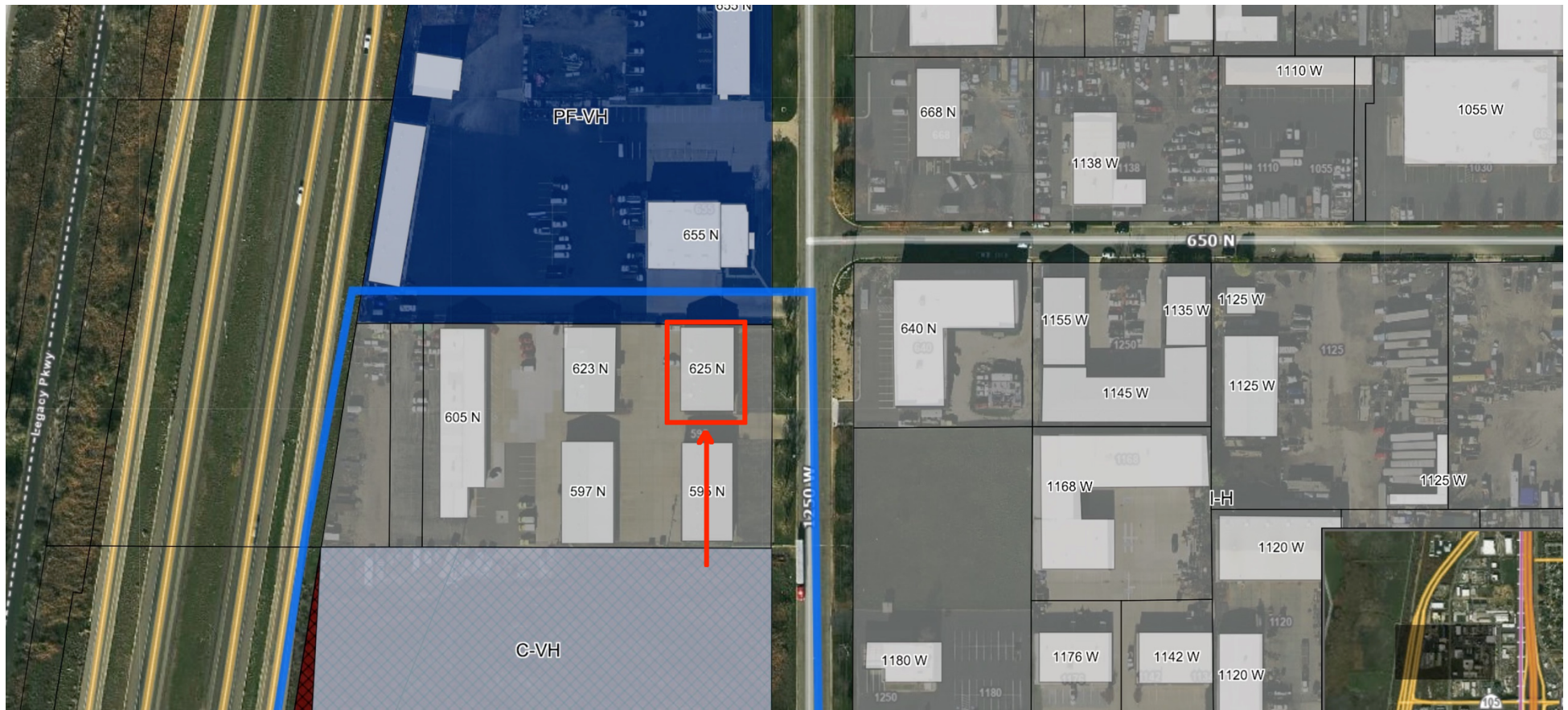
1. *This Conditional Use Permit shall apply to the user space located at 625 N 1250 W, or otherwise known as Dog Training Elite Northern Utah Training Center. This permit shall not be transferred to another similar user, unless approved by the City.*

2. *This Conditional Use Permit approval is for a kennel, more specifically a dog training center.*
3. *Business operations, including training sessions shall take place during normal business hours, described as Monday through Saturday, 8:00am to 7:00pm.*
4. *Dogs shall always be under the supervision of a trainer.*
5. *No dogs shall be left unattended or ever left in the training center overnight.*
6. *Pea gravel shall be laid in the area directly north of the building to serve as a potty yard for the dogs.*
7. *Odor control products will be used, and the potty yard shall be cleaned daily.*
8. *The potty yard shall be screened from public view.*
9. *All training shall be conducted in the building or directly behind it.*
10. *No training shall affect any other buildings, businesses, local properties, or persons.*
11. *If the use does not adhere to the parameters of this conditional use permit or creates additional impacts beyond the approved conditions addressed by the CUP, the permit shall be amended and if not mitigated may be revoked per CZC 12.62.060.*

SUGGESTED REASONS FOR ACTION (FINDINGS):

- a) *A complete application for a conditional use permit has been submitted per CZC 12.21.100(d)(1).*
- b) *The application meets the required established evidence for an approval of a conditional use permit 12.21.100(e)(3).*
- c) *The request for a conditional use permit meets the factors to be reviewed and considered for an approval under CZC 12.21.100(e)(5) (A-J).*
- d) *The proposed use, a kennel, specifically dog training center is a conditional use in the Industrial-High Zone under CZC 12.36.040.*

Applicant: Colleen Tvorik (Dog Training Elite Northern Utah)
Address: 625 N 1250 W (whole building)
Existing building with no change to walls for warehouse or space
Dedicated parking in front of building



AFFIDAVIT

PROPERTY OWNER

STATE OF Michigan

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}ss

COUNTY OF Oakland

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I (We), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Centerville City Planning Staff have indicated they are available to assist me in making this application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____.

(Notary Public)

Residing in _____, Utah

My Commission Expires _____

.....
David M. Milan

AGENT AUTHORIZATION

I (we), Manager, Centerville Flex Project LLC, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Dog Training Elite* to represent me (us) regarding the attached application to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

*High Country Endurance LLC
dba Dog Training Elite Northern Utah
Tenant, 625 N 1250 W
Centerville, UT

Centerville Flex Project LLC

By: [Signature]
David M. Milan, (Property Owner)
Manager

(Property Owner)

Dated this 1st day of February, 2023, personally appeared before me David M. Milan, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.



[Signature]
Jeanne Jewell (Notary Public)
Residing in Oakland Co., Mich.

My Commission Expires 11-09-2024

**PLANNING
COMMISSION**

Staff Report
3/8/2023

Item No. 2.

Title: Public Hearing - Small Subdivision Waiver - Eric Defries Subdivision - 1441 North Main Street -
ADMINISTRATIVE DECISION

Initiated By: Eric Defries

Staff Representative: Cory Snyder, Community Development Director

SUBJECT:

The applicant desires to subdivide/reconfigure the property into two (2) single-family lots. The property is currently developed with a larger older single-family home and a garage. Since the subdivision will be limited to two (2) lots, the applicant is seeking a "Small Subdivision Waiver," as outlined in CMC 15.02.070

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 03-08-2023 PC Staff Report, Small Subdivision Waiver, 1441 N Main Street, Grazie_Defries -Revised
2. 03-08-2023 PC Staff Report, Small Subdivision Waiver, 1441 N Main Street, Grazie_Defries
3. DEFRIES-SUB-PLAT-10-31-22
4. EXHIBIT A-EXHIBIT B-12-05-22
5. owners statement
6. RE_ Hillside Overlay Amendment - City Engineer Response

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT/OWNER: **ERIC DEFRIES**
 957 WINDSOR LANE
 BOUNTIFUL, UTAH 84010
 (eric.defries@gmail.com)

PROPERTY: **1441 N MAIN STREET**
 PARCEL: 02-015-0002

ACREAGE: **0.92 ACRES** (*NET PROPERTY AREA*)

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

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

STAFF RECOMMENDATION: **CONSIDER TABLING THE SMALL**
 SUBDIVISION WAIVER TO RECONFIGURE
 LOT LAYOUT AND ADDRESS OTHER
 MATTERS

BACKGROUND

The applicant desires to subdivide/reconfigure the property into two (2) single-family lots. The property is currently developed with a larger older single-family home and a garage. Since the subdivision will be limited to two (2) lots, the applicant is seeking a “Small Subdivision Waiver,” as outlined in CMC 15.02.070. Such a waiver would eliminate the preliminary and final subdivision processes of the Subdivision Ordinance, if approved by the City. Additionally, the Planning Commission is assigned as the final land use authority for approving any qualifying small subdivision.

Additionally, this application was originally review and tabled by the Planning Commission is September of 2022. The applicant has now re-submitted the application after considering the Commission feedback. Due to the time that has elapsed, staff has re-notice the application for transparency and allowance to conduct a “public hearing,” as the Commissioner further reviews the request and any changes.

PREVIOUS COMMISSION ACTION TO TABLE

On September 14, 2022, the Centerville Planning Commission voted to **TABLE** the small subdivision waiver request for Parcel **02-015-0002**, subject to the following directives:

- a. *The subdivision plans shall be modified to address the minimum “buildable area” requirements of 2,000 square feet (see CZC 12.32.1).* **NOT SHOWN – MORE THAN LIKELY IT COMPLIES**
- b. *The subdivision plans shall be modified to address the required 10-foot front yard public utility easements and the 7-foot side/rear easements [see CMC 15.2.107(3)]*
- c. *For storm water management, the City Engineer needs to complete a review to determine compliance with City Standards and make needed recommendations (see CMC 15.05.050).* **FRONT LOT EASEMENT SHOWN ONLY**
- d. *The applicant shall provide copies of all applicable utility provider sheets verifying there are adequate services is available for the lots from entities deemed appropriate by ordinance and/or by City Staff (see CMC 15.05.060).* **UNDERWAY**
- e. *The subdivision plans shall re-address the feasibility of a different lot configuration that is more appropriate to establish orderly development (see CMC 15.05.080).* **MODIFIED**
- f. *The applicant shall contact UDOT and provide written conformation or applicable acceptable terms for ingress/egress to the proposed lots (see - CMC 11.01.060).* **COMPLETED**
- g. *The applicant shall address the status of the Accessory Building to ensure compliance with the ordinance regulations.* **NOT DECIDED/ADDRESSED**

SMALL SUBDIVISION PROCESSSmall Subdivision Waiver Section CMC 15.2.070

A small subdivision is defined as a subdivision of not more than two (2) lots [CMC 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 of the waiver allowance. These criteria are reviewed below in this report.

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

Staff Response: According to the Transportation Element of the City’s General Plan, the subdivision does not require the additional dedication of land for Main Street or other public purpose.

(2) 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: Since there is a change of use to the property and the land fronts Main Street, the applicant will need to contact UDOT to allow a drive approach for a

second building lot. However, Staff is not aware of any additional planned widening in the future for Main Street.

Additionally, the element does not indicate any new connecting roads being proposed to run through any portion of the future two lots for future planned development.

(3) 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 within the last three (3) years.

GENERAL SUBDIVISION REGULATIONS

Zoning Ordinance Requirements CMC 15.2.107(2)

Each lot must meet the bulk and area requirements for the Residential Low Zone, which are as follows:

Proposed 2 Lots: 1441 N. Main Street Applicable Development Standards, Residential-Low Zone, CZC 12.32.1			
Development Standard	Required	Actual	Compliance
Lot and Parcel Standards			
Minimum Width (at FY setbacks)	60 Feet	73.31 & 126.05 Feet	Yes
Site Standards			
Buildable Area	2,000 Square Feet	Undefined	More Than Likely
Gross Density	4 Units Per Gross Acre	2 Proposed Lots – 0.92 acres (<i>net area</i>)	Yes

Improvements and Utility Easements Section CMC 15.2.107(3) and CMC 15.05.060

Utilities and services are likely available near or on-site for both lots. However, the applicant needs to provide all utility provider sheets verifying there are adequate services is available for the lots.

The required 10-foot public utility easement along the street frontage for both lots are depicted. However, the configuration of the required 7-foot side/rear easements remains incomplete, at the writing of this report. The applicant will still be responsible for paying any related fees and bonds related to any new and/or missing/damaged public improvements.

Storm Water and Drainage (CMC 15.05.050) – The applicant has provided a Storm Water Analysis. Due to scheduling conflicts, the City Engineer has not yet finished he review at this time to determine compliance with City Standards.

Lot Side Lines/Right Angles (CMC 15.05.020) – The subdivision plan depicts two (2) lots. The side lot lines substantially reflect the expected lot configuration.

Driveway/Approach Configuration (CMC 11.01.060) – The tract to be developed in located along Main Street. The City is authorized to review and require street improvements along Main Street. UDOT has review and approved a change of land use related to ingress/egress (driveways) from Main Street, which will be a shared access.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the small subdivision waiver/lot split for property at 1441 North Main Street; “I hereby make a motion for the Planning Commission to **APPROVE** the small subdivision waiver request for Parcel **02-015-0002**, subject to the following directives:

1. The Applicant shall prepare a Final Subdivision Plat and associated engineering/construction improvement plans, in accordance with CMC 15.04, Final Plat.
2. The subdivision plans shall be modified to definitively depict the minimum “buildable area” requirements of 2,000 square feet (see CZC 12.32.1).
3. The subdivision plans shall be modified to depict the required public utility easements regarding the 7-foot side/rear easements [see CMC 15.2.107(3)]
4. For storm water management, the City Engineer needs to complete a review to determine compliance with City Standards. The Applicant shall make any needed corrections or alterations (see CMC 15.05.050).
5. The applicant shall provide copies of all applicable utility provider sheets verifying there are adequate services is available for the lots from entities deemed appropriate by ordinance and/or by City Staff (see CMC 15.05.060).
6. With regards to the existing “accessory building located in Lot 2, the small subdivision lot split will create an illegality in that there will be accessory buildings or structures on one of the proposed lots without a primary residential use on the property. In order to remedy this illegality, approval of the small subdivision waiver and final plat shall be conditioned upon the applicant and/or property owner complying with the following:
 - a. Remove the illegal accessory structures from the property prior to recording the final plat; or
 - b. Obtain a building permit for the construction of a primary residential dwelling on the property within 12 months from the date of final plat recording and completing the construction of such primary residential dwelling within 24 months from the date of final plat approval.
 - c. In the event a building permit for the construction of a primary residential dwelling is not obtained within 12 months from the date of final plat recording, the applicant and/or property owner shall be required to remove the accessory structures within 18 months from the date of final plat recording.
 - d. In the event the primary residential dwelling is not completed within the required 24 months from the date of final plat approval, the applicant and/or property owner shall be required to remove the accessory structures within 30 months from the date of final plat recording.

- e. *In the event the accessory structures are not removed prior to recording of the final plat, the applicant shall be required to place a note on the final plat in a form acceptable to the City describing the illegality of the accessory structures and the condition of removal or construction of a primary residential dwelling on the property as provided in this condition.*
- f. *In the event the accessory structures are not removed prior to recording of the final plat, the applicant shall be required to post a \$25,000 demolition bond with the City and enter into an agreement with the City for use of the bond in the event of default by the applicant and/or property owner under the terms of this condition.*
- g. *In the event the accessory structures are not removed prior to recording of the final plat, the City shall be authorized to record a notice of illegality or nonconformity against the property providing notice of the requirements of this condition.*

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 CMC 15.02.070 of the Subdivision Ordinance.*
- b. *The Planning Commission finds that two lots are consistent with the applicable Zoning Standards for the Residential Low Zone.*
- c. *The Planning Commission finds that with the conditions imposed, the general requirements for all subdivisions have been addressed and/or fulfilled, as also outlined in the directives listed.*

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT/OWNER: **ERIC DEFRIES**
 957 WINDSOR LANE
 BOUNTIFUL, UTAH 84010
 (eric.defries@gmail.com)

PROPERTY: **1441 N MAIN STREET**
 PARCEL: 02-015-0002

ACREAGE: **0.92 ACRES** (*NET PROPERTY AREA*)

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

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

STAFF RECOMMENDATION: **CONSIDER TABLING THE SMALL**
 SUBDIVISION WAIVER TO RECONFIGURE
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BACKGROUND

The applicant desires to subdivide/reconfigure the property into two (2) single-family lots. The property is currently developed with a larger older single-family home and a garage. Since the subdivision will be limited to two (2) lots, the applicant is seeking a “Small Subdivision Waiver,” as outlined in CMC 15.02.070. Such a waiver would eliminate the preliminary and final subdivision processes of the Subdivision Ordinance, if approved by the City. Additionally, the Planning Commission is assigned as the final land use authority for approving any qualifying small subdivision.

Additionally, this application was originally review and tabled by the Planning Commission is September of 2022. The applicant has now re-submitted the application after considering the Commission feedback. Due to the time that has elapsed, staff has re-notice the application for transparency and allowance to conduct a “public hearing,” as the Commissioner further reviews the request and any changes.

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- e. *The subdivision plans shall re-address the feasibility of a different lot configuration that is more appropriate to establish orderly development (see CMC 15.05.080).* **MODIFIED**
- f. *The applicant shall contact UDOT and provide written conformation or applicable acceptable terms for ingress/egress to the proposed lots (see - CMC 11.01.060).* **COMPLETED**
- g. *The applicant shall address the status of the Accessory Building to ensure compliance with the ordinance regulations.* **NOT DECIDED/ADDRESSED**

SMALL SUBDIVISION PROCESSSmall Subdivision Waiver Section CMC 15.2.070

A small subdivision is defined as a subdivision of not more than two (2) lots [CMC 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 of the waiver allowance. These criteria are reviewed below in this report.

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

Staff Response: According to the Transportation Element of the City’s General Plan, the subdivision does not require the additional dedication of land for Main Street or other public purpose.

(2) 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: Since there is a change of use to the property and the land fronts Main Street, the applicant will need to contact UDOT to allow a drive approach for a

second building lot. However, Staff is not aware of any additional planned widening in the future for Main Street.

Additionally, the element does not indicate any new connecting roads being proposed to run through any portion of the future two lots for future planned development.

(3) 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 within the last three (3) years.

GENERAL SUBDIVISION REGULATIONS

Zoning Ordinance Requirements CMC 15.2.107(2)

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Proposed 2 Lots: 1441 N. Main Street Applicable Development Standards, Residential-Low Zone, CZC 12.32.1			
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Site Standards			
Buildable Area	2,000 Square Feet	Undefined	More Than Likely
Gross Density	4 Units Per Gross Acre	2 Proposed Lots – 0.92 acres (<i>net area</i>)	Yes

Improvements and Utility Easements Section CMC 15.2.107(3) and CMC 15.05.060

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Driveway/Approach Configuration (CMC 11.01.060) – The tract to be developed in located along Main Street. The City is authorized to review and require street improvements along Main Street. UDOT has review and approved a change of land use related to ingress/egress (driveways) from Main Street, which will be a shared access.

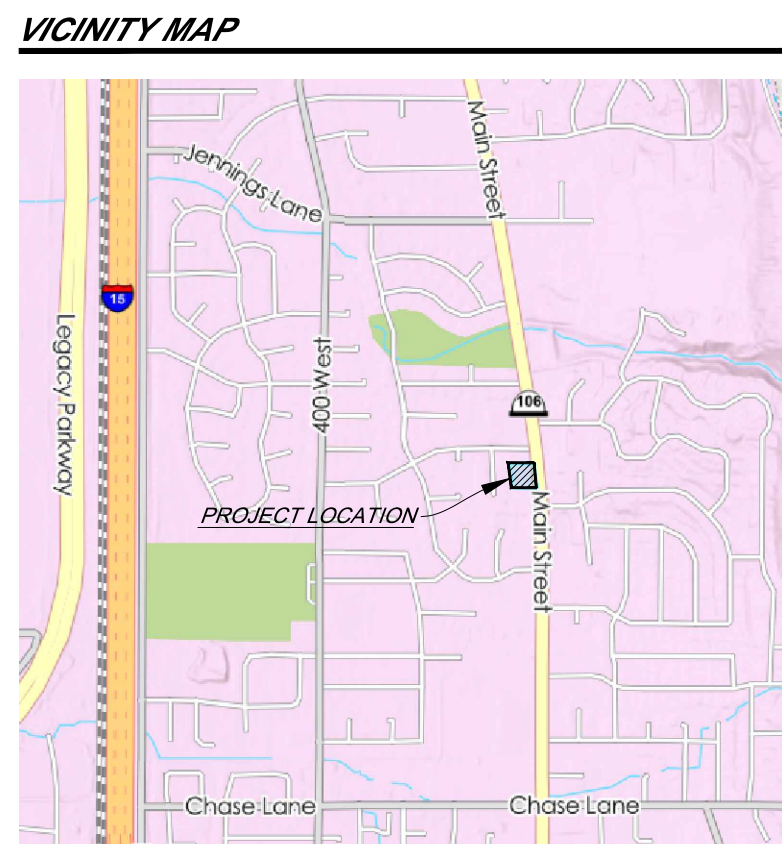
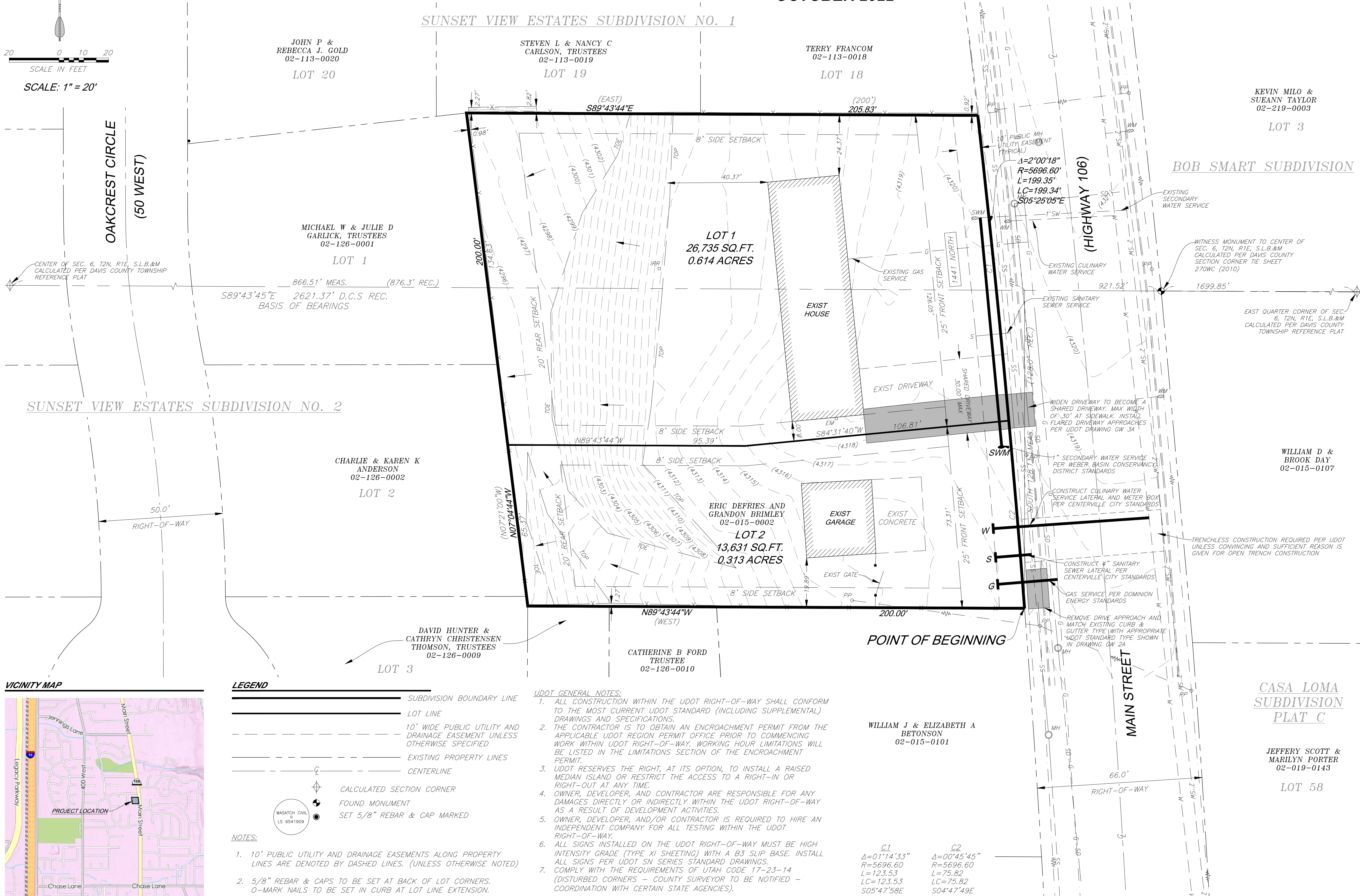
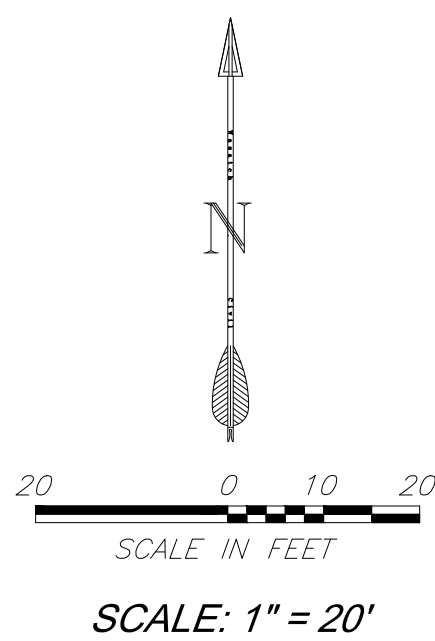
PLANNING STAFF RECOMMENDATION

Suggested Motion for the small subdivision waiver/lot split for property at 1441 North Main Street; “I hereby make a motion for the Planning Commission to **APPROVE** the small subdivision waiver request for Parcel **02-015-0002**, subject to the following directives:

1. The Applicant shall prepare a Final Subdivision Plat and associated engineering/construction improvement plans, in accordance with CMC 15.04, Final Plat.
2. The subdivision plans shall be modified to definitively depict the minimum “buildable area” requirements of 2,000 square feet (see CZC 12.32.1).
3. The subdivision plans shall be modified to depict the required public utility easements regarding the 7-foot side/rear easements [see CMC 15.2.107(3)]
4. For storm water management, the City Engineer needs to complete a review to determine compliance with City Standards. The Applicant shall make any needed corrections or alterations (see CMC 15.05.050).
5. The applicant shall provide copies of all applicable utility provider sheets verifying there are adequate services is available for the lots from entities deemed appropriate by ordinance and/or by City Staff (see CMC 15.05.060).
6. With regards to the existing “accessory building located in Lot 2, the small subdivision lot split will create an illegality in that there will be accessory buildings or structures on one of the proposed lots without a primary residential use on the property. In order to remedy this illegality, approval of the small subdivision waiver and final plat shall be conditioned upon the applicant and/or property owner complying with the following:
 - a. Remove the illegal accessory structures from the property prior to recording the final plat; or
 - b. Obtain a building permit for the construction of a primary residential dwelling on the property within 12 months from the date of final plat recording and completing the construction of such primary residential dwelling within 24 months from the date of final plat approval.
 - c. In the event a building permit for the construction of a primary residential dwelling is not obtained within 12 months from the date of final plat recording, the applicant and/or property owner shall be required to remove the accessory structures within 18 months from the date of final plat recording.
 - d. In the event the primary residential dwelling is not completed within the required 24 months from the date of final plat approval, the applicant and/or property owner shall be required to remove the accessory structures within 30 months from the date of final plat recording.

- e. In the event the accessory structures are not removed prior to recording of the final plat, the applicant shall be required to place a note on the final plat in a form acceptable to the City describing the illegality of the accessory structures and the condition of removal or construction of a primary residential dwelling on the property as provided in this condition.*
- f. In the event the accessory structures are not removed prior to recording of the final plat, the applicant shall be required to post a \$25,000 demolition bond with the City and enter into an agreement with the City for use of the bond in the event of default by the applicant and/or property owner under the terms of this condition.*
- g. In the event the accessory structures are not removed prior to recording of the final plat, the City shall be authorized to record a notice of illegality or nonconformity against the property providing notice of the requirements of this condition.*

ERIC DEFRIES SUBDIVISION
A PART OF THE EAST HALF OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 EAST, S.L.B. & M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH
OCTOBER 2022



- LEGEND**
- SUBDIVISION BOUNDARY LINE
 - LOT LINE
 - 10' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE SPECIFIED
 - EXISTING PROPERTY LINES
 - CENTERLINE
 - CALCULATED SECTION CORNER
 - FOUND MONUMENT
 - SET 5/8" REBAR & CAP MARKED
- NOTES:**
- 10' PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG PROPERTY LINES ARE DENOTED BY DASHED LINES. (UNLESS OTHERWISE NOTED)
 - 5/8" REBAR & CAPS TO BE SET AT BACK OF LOT CORNERS. 0-MARK NAILS TO BE SET IN CURB AT LOT LINE EXTENSION.

- UDOT GENERAL NOTES:**
- ALL CONSTRUCTION WITHIN THE UDOT RIGHT-OF-WAY SHALL CONFORM TO THE MOST CURRENT UDOT STANDARD (INCLUDING SUPPLEMENTAL) DRAWINGS AND SPECIFICATIONS.
 - THE CONTRACTOR IS TO OBTAIN AN ENCROACHMENT PERMIT FROM THE APPLICABLE UDOT REGION PERMIT OFFICE PRIOR TO COMMENCING WORK WITHIN UDOT RIGHT-OF-WAY. WORKING HOUR LIMITATIONS WILL BE LISTED IN THE LIMITATIONS SECTION OF THE ENCROACHMENT PERMIT.
 - UDOT RESERVES THE RIGHT, AT ITS OPTION, TO INSTALL A RAISED MEDIAN ISLAND OR RESTRICT THE ACCESS TO A RIGHT-IN OR RIGHT-OUT AT ANY TIME.
 - OWNER, DEVELOPER, AND CONTRACTOR ARE RESPONSIBLE FOR ANY DAMAGES DIRECTLY OR INDIRECTLY WITHIN THE UDOT RIGHT-OF-WAY AS A RESULT OF DEVELOPMENT ACTIVITIES.
 - OWNER, DEVELOPER, AND/OR CONTRACTOR IS REQUIRED TO HIRE AN INDEPENDENT COMPANY FOR ALL TESTING WITHIN THE UDOT RIGHT-OF-WAY.
 - ALL SIGNS INSTALLED ON THE UDOT RIGHT-OF-WAY MUST BE HIGH INTENSITY GRADE (TYPE XI SHEETING) WITH A B3 SLIP BASE. INSTALL ALL SIGNS PER UDOT SIGN SERIES STANDARD DRAWINGS.
 - COMPLY WITH THE REQUIREMENTS OF UTAH CODE 17-23-14 (DISTURBED CORNERS - COUNTY SURVEYOR TO BE NOTIFIED - COORDINATION WITH CERTAIN STATE AGENCIES).

WILLIAM J & ELIZABETH A
BETONSON
02-015-0101

C1
Δ=01°14'33"
R=5696.60
L=123.53
LC=123.53
S05°47'58E

C2
Δ=00°45'45"
R=5696.60
L=75.82
LC=75.82
S04°47'49E

SURVEYORS CERTIFICATE

I, BROCK RILLON BUTLER, A LICENSED PROFESSIONAL LAND SURVEYOR, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22 AND HOLDING LICENSE NUMBER 12552450, DO HEREBY CERTIFY THAT A SURVEY OF THIS PLAT OF ERIC DEFRIES SUBDIVISION IN CENTERVILLE CITY, DAVIS COUNTY, UTAH HAS BEEN MADE BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH SECTION 17-23-17 AND HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIPTION OF LANDS INCLUDED IN SAID SUBDIVISION BASED ON DATA COMPILED FROM THE RECORDS IN THE DAVIS COUNTY RECORDER'S OFFICE AND OF A SURVEY MADE ON THE GROUND.

Brock R. Butler
BROCK RILLON BUTLER, P.L.S.
LICENSE NO. 12552450

PROFESSIONAL LAND SURVEYOR
12552450
02/31/22
STATE OF UTAH

BOUNDARY DESCRIPTION

A PART OF THE EAST HALF OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF HIGHWAY 106, WHICH IS LOCATED SOUTH 89°43'45" EAST 886.51 FEET (EAST 876.3 FEET BY RECORD) ALONG THE QUARTER SECTION LINE AND SOUTH 128.11 FEET (128.0 FEET BY RECORD) FROM THE CENTER OF SECTION 6 AS CALCULATED FROM THE DAVIS COUNTY SURVEYORS OFFICE REFERENCE TOWNSHIP PLAT;

RUNNING THENCE NORTH 89°43'44" WEST (WEST BY RECORD) 200.00 FEET TO THE EAST LINE OF SUNSET VIEW ESTATES SUBDIVISION NO. 2, RECORDED AS ENTRY NUMBER 886435 IN THE DAVIS COUNTY RECORDER'S OFFICE; THENCE NORTH 07°04'44" WEST (NORTH 07°21'00" WEST BY RECORD) 200.00 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SUNSET VIEW ESTATES SUBDIVISION NO. 1, RECORDED AS ENTRY NUMBER 767818 IN THE DAVIS COUNTY RECORDER'S OFFICE; THENCE SOUTH 89°43'44" EAST 205.83 FEET (EAST 200.0 FEET BY RECORD) ALONG SAID SOUTH LINE TO THE WEST RIGHT-OF-WAY LINE OF SAID HIGHWAY 106 AND A POINT OF NON-CURVATURE WITH A 5696.60 FOOT (5729.6 FEET BY RECORD) RADIUS CURVE TO THE RIGHT; THENCE 199.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°00'18" (LONG CHORD BEARS SOUTH 85°35'04" EAST 199.34 FEET) TO THE POINT OF BEGINNING.

CONTAINING 40,366 SQUARE FEET OR 0.927 ACRES MORE OR LESS AND 2 LOTS

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AS SHOWN ON THIS PLAT, AND NAME THE SAID TRACT ERIC DEFRIES SUBDIVISION, AND HEREBY DEDICATE, GRANT AND CONVEY TO CENTERVILLE CITY, DAVIS COUNTY, UTAH, ALL PORTIONS OF SAID TRACTS LABELED PARCEL "A" AND PARCEL "B" AND A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER ALL THOSE PARTS OR PORTIONS OF SAID TRACTS OF LAND DESIGNATED AS STREETS & EASEMENTS, THE SAME TO BE USED FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE, AS MAY BE AUTHORIZED BY CENTERVILLE CITY.

SIGNED THIS _____ DAY OF _____, 20____.

ERIC DEFRIES

GRANDON BRIMLEY

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF DAVIS)

ON THE _____ DAY OF _____, 20____, ERIC DEFRIES AND GRANDON BRIMLEY PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY OF DAVIS, AND AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THEY SIGNED THE OWNERS DEDICATION FREELY, VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____, 20____.

NOTARY PUBLIC

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS SOUTH 89°43'45" EAST 2621.37 FEET, AS PUBLISHED IN THE DAVIS COUNTY SURVEYOR'S OFFICE, FROM THE CALCULATED CENTER OF SECTION TO THE CALCULATED EAST QUARTER CORNER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

THE COORDINATE SYSTEM USED ON THIS SURVEY IS NAD 83 STATE PLANE UTAH NORTH ZONE. A GRID TO GROUND SCALE FACTOR OF 1.0004326593 WAS USED. BEARINGS AND DISTANCES SHOWN IN PARENTHESES () ARE RECORD INFORMATION

PREPARED BY:

WASATCH CIVIL
Consulting Engineering
1150 SOUTH DEPOT DRIVE, SUITE 225
OGDEN, UT 84404 (801) 775-9191

CITY ATTORNEY

I HAVE EXAMINED THE FOREGOING PLAT AND DESCRIPTION AND IN MY OPINION, THEY CONFORM WITH THE CITY ORDINANCES APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

_____, 20____.

DAY OF _____, 20____.

BY: _____

CITY ATTORNEY

CITY ENGINEER

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

_____, 20____.

DAY OF _____, 20____.

BY: _____

CITY ENGINEER

PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT AND THE DEDICATION OF THIS PLAT, ALONG WITH THE DEDICATION OF ALL STREETS, EASEMENTS AND PUBLIC IMPROVEMENT GUARANTEE WERE DULY APPROVED AND ACCEPTED BY THE PLANNING COMMISSION AND CHAIR OF PLANNING COMMISSION OF CENTERVILLE CITY, UTAH.

_____, 20____.

DAY OF _____, 20____.

BY: _____

CHAIR

BY: _____

PLANNING SECRETARY

CITY COUNCIL

THIS IS TO CERTIFY THAT THIS PLAT AND ANY DEDICATIONS OFFERED HEREIN WERE DULY APPROVED AND ACCEPTED BY THE MAYOR OF CENTERVILLE CITY, UTAH.

_____, 20____.

DAY OF _____, 20____.

BY: _____

MAYOR

BY: _____

CITY RECORDER

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND _____ AT _____
RECORDED _____ OF OFFICIAL RECORDS,
IN BOOK _____ PAGE _____
FOR _____

_____, 20____.

COUNTY RECORDER

BY: _____

DEPUTY

EXHIBIT A

ACCESS EASEMENT DESCRIPTION

A PART OF THE EAST HALF OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF NON-CURVATURE ON THE WEST RIGHT-OF-WAY LINE OF HIGHWAY 106, WHICH IS LOCATED SOUTH 89°43'45" EAST 860.48 FEET ALONG THE QUARTER SECTION LINE AND SOUTH 56.07 FEET FROM THE CENTER OF SECTION 6 AS CALCULATED FROM THE DAVIS COUNTY SURVEYORS OFFICE REFERENCE TOWNSHIP PLAT;

RUNNING THENCE SOUTH 84°31'40" WEST 55.00 FEET PARALLEL AND 3.5 FEET SOUTH OF THE NORTH LINE OF LOT 2 OF ERIC DEFRIES SUBDIVISION; THENCE NORTH 05°12'57" WEST 15.00 FEET; THENCE NORTH 84°31'40" EAST 55.00 FEET PARALLEL AND 11.50 FEET NORTH OF SAID NORTH LINE OF LOT 2, TO A POINT OF NON-CURVATURE ON SAID WEST RIGHT-OF-WAY LINE OF HIGHWAY 106; THENCE 15.00 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°09'03" (LONG CORD BEARS SOUTH 05°13'06" EAST 15.00 FEET) TO THE POINT OF BEGINNING.

CONTAINING 825 SQUARE FEET OR 0.019 ACRES MORE OR LESS.



ERIC
DEFRIES

ACCESS EASEMENT
EXHIBIT A

SHEET:

1

OF 2 SHEETS

205.80'

(HIGHWAY 106)

1441 NORTH

WILLIAM J & ELIZABETH A
BETONSON
02-015-0101

MAIN STREET



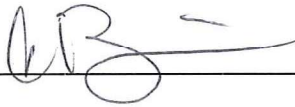
PROPERTY OWNER'S STATEMENT

BASIC INFORMATION	
UDOT Region Number:	
Subject Property Address:	1441 N. Main St.
Affected Parcel Numbers:	020150002
PROPERTY OWNER CONTACT INFORMATION	
Name:	Grandon Brimley
Phone Number:	801 309 6052
Email:	Gradybrim@gmail.com

I hereby certify that I am the owner, or owner's duly authorized representative with a power of attorney, of the real property identified above. I have applied for an access permit to modify an existing access, changed the land use, or changed the land use intensity but the access does not meet the spacing requirements in compliance Utah Admin. Code R930-6. I have requested a variance from the standards and requirements of the rule. As a part of the mitigation measures, I am voluntarily agreeing to consolidate or close access points to meet spacing requirements.

OWNER

Grandon Brimley
Name: _____


Sign: _____

11/18/2022
Date: _____

From: [Kevin Campbell](#)
To: [Cory Snyder](#)
Cc: [Mike Carlson](#); [Lisa Romney](#); [Whittney Black](#)
Subject: RE: Hillside Overlay Amendment - Staff Report
Date: Thursday, March 2, 2023 2:03:00 PM

Cory,

I think that it would make some sense to add another tier as an 11% to 14% slope is quite a bit less severe on a hillside than a 19% slope when it comes to being able to terrace and create usable area.

I would propose the following:

0% to 9% - 60%
10% to 14% - 55%
15% to 19% - 50%
20% to 24% - 45%
25% to 29% - 40%

Let me know what your thoughts are with these proposed percentages.

Kevin

From: Cory Snyder [mailto:cory.snyder@centervilleutah.gov]
Sent: Tuesday, February 28, 2023 4:17 PM
To: Kevin Campbell <Kevin.Campbell@esieng.com>
Cc: Mike Carlson <mike.carlson@centervilleutah.gov>; Lisa Romney <lisa.romney@centervilleutah.gov>; Whittney Black <whittney.black@centervilleutah.gov>
Subject: Hillside Overlay Amendment - Staff Report

Kevin & Mike:

Please review the attached report regarding the staff recommendations. Let me know if you recommend changes.

Report will be sent out on Friday – please let me know before.

Thanks

Corvin M. Snyder, AICP
Community Development Director
Centerville City/ 801-292-8232



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/8/2023

Item No. 3.

Title: Public Hearing - Zone Text Amendment - Hillside Overlay Zone - J. Mike Henrie, Applicant -
LEGISLATIVE DECISION

Initiated By: J. Mike Henrie

Staff Representative: Cory Snyder, Community Development Director

SUBJECT:

The petitioner, Mr. J. Mike Henrie, desires to amend the zoning text for the Hillside Overlay in belief “*there should be a way for those residing in the Hillside Overlay to have the opportunity to increase [the] impervious material on [their] lots up to 60% to match the rest of the lots in Centerville.*”

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 03-08-2023 Zone Text Amendment - Hillside Overlay Impervious Area - Henrie Petition
2. Henrie New Language Submittal
3. Hillside Reasons page
4. Henrie Slope Calculations
5. Signature Page
6. Typed page

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

**STAFF REPORT
AGENDA: ITEM 3**

APPLICANT: **J. MIKE HENRIE
867 NORTH 610 EAST
CENTERVILLE, UT 84014
(jmhenrie@msn.com)**

APPLICATION: **ZONING ORDINANCE TEXT AMENDMENT**

APPLICATION REQUEST: **AMEND THE ZONING CODE OF THE HILLSIDE
OVERLAY RELATING TO THE “MAXIMUM
IMPERVIOUS COVERAGE LIMITATIONS”**

RECOMMENDATION: **REVIEW AND CONSIDER BOTH APPLICANT AND
STAFF PROPOSALS**

BACKGROUND

The petitioner, Mr. J. Mike Henrie, desires to amend the zoning text for the Hillside Overlay in belief “*there should be a way for those residing in the Hillside Overlay to have the opportunity to increase [the] impervious material on [their] lots up to 60% to match the rest of the lots in Centerville.*” Such reasoning points made in the petition are:

- *Drainage is the main issue for existing developed lots of the area.*
- *The overlay area covers many types of differing lot types, and such language should not be unilateral.*
- *Continued advancement of drainage technology, with City Engineer oversight, would adequately provide needed retention.*

**APPLICANT’S PROPOSED CHANGE OF LANGUAGE REGARDING “MAXIMUM
IMPERVIOUS MATERIAL COVERAGE (IN RED).**

Maximum Impervious Material Coverage. Except as otherwise provided herein, the maximum allowable coverage of a lot in the Hillside Overlay Zone by impervious material shall be 40% of the total lot area, or 5,000 square feet, whichever is less. The maximum allowable impervious material coverage of a lot may be allowed to exceed

5,000 square feet **or 40%** as an exception **if the lot is under 15% slope** upon recommendation of the City Engineer and approval of the applicable land use authority for the subject application i.e. subdivision, site plan, or building permit.

Any applicant seeking an exception to exceed 5,000 square feet **or 40%** of impervious material coverage per lot shall be required to provide on-site retention **for the entire lot** in accordance with City Engineer recommended retention volume calculations for a 25 - year storm event.

The applicant shall be required to provide engineered drawings and specifications for the proposed retention and drainage to qualify for the exception. In no event shall the impervious material coverage of any lot in the Hillside Overlay Zone exceed **60%** of the total lot area. For purposes of calculating the permissible lot coverage percentage, lot areas that exceed 30% slope shall be excluded and shall not be used in calculating the permitted 40% **or 60%** coverage area.

STAFF PROPOSED MODIFICATIONS - Development Review Committee modified Amendments, as recommended by the City Engineer:

CZC 12.42.040 Development Requirements

(d) Maximum Impervious Material Coverage. Except as otherwise provided herein, the maximum allowable coverage of a lot in the Hillside Overlay Zone by impervious material shall be 40% of the total lot area, or 5,000 square feet, whichever is less. The maximum allowable impervious material coverage of a lot may be allowed to exceed 5,000 square feet as an exception upon recommendation of the City Engineer and approval of the applicable land use authority for the subject application (i.e. subdivision, site plan, or building permit), **as follows:**

- i. Lots less than 10% slope may increase to 60%**
- ii. Lots 10% to 14% slope may increase to 55%**
- iii. Lots 15% to 19% slope may increase to 50%**
- iv. Lots 20% to 24% slopes may increase to 45%**
- v. Lots 25% to 29% slopes are limited to 40%**

Any applicant seeking an exception to exceed 5,000 square feet of impervious material coverage per lot shall be required to provide on-site detention/**retention as required by local or state statutes** and appropriately sized outflow orifice plates for the additional impervious area (*over 5,000 square feet*) in accordance with City Engineer recommended detention/**retention** volume calculations for a 25-year storm event. The applicant shall be required to provide engineered drawings and specifications for the proposed detention/**retention** and drainage to qualify for the exception. **Upon acceptance/approval of the engineering documents, the applicant shall enter into a "maintenance agreement," as deemed acceptable by the City. Such maintenance agreement shall be recorded against the subject**

~~*property as a condition of granting an increase impervious material allowance. In no event shall the impervious material coverage of any lot in the Hillside Overlay Zone exceed 40% of the total lot area.*~~

For purposes of calculating the permissible lot coverage percentage, lot areas that exceed 30% slope shall be excluded and shall not be used in calculating the ~~*permitted 40% allowable impervious*~~ coverage area.

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"

Staff Analysis and Comment:

It is the position of staff that the proposed language amendments remain consistent with the policies of the General Plan and the hillslope development provisions in relation to impervious coverage standards between agricultural and residential lots within the Hillside Overlay. The amendment still appropriately limits/mitigates the amount of impervious coverage for Hillside development. However, under specific parameter adds the ability to detain/retain the storm water runoff to protect an adjacent lot from storm water runoff. Keep in mind a typical flat lot development standard has a maximum impervious coverage limit of 60%.

PLANNING STAFF RECOMMENDATION

[Suggested Motion] – I hereby make a motion for the Planning Commission to recommend to the City Council to approve the proposed Hillside Overlay amendment, as proposed by staff for CZC 12.42.040(d), as follows in (red) italics:

- (d) Maximum Impervious Material Coverage. *Except as otherwise provided herein, the maximum allowable coverage of a lot in the Hillside Overlay Zone by impervious*

material shall be 40% of the total lot area, or 5,000 square feet, whichever is less. The maximum allowable impervious material coverage of a lot may be allowed to exceed 5,000 square feet as an exception upon recommendation of the City Engineer and approval of the applicable land use authority for the subject application (*i.e. subdivision, site plan, or building permit*), as follows:

- i. Lots less than 10% slope may increase to 60%
- ii. Lots 10% to 14% slope may increase to 55%
- iii. Lots 15% to 19% slope may increase to 50%
- iv. Lots 20% to 24% slopes may increase to 45%
- v. Lots 25% to 29% slopes are limited to 40%

Any applicant seeking an exception to exceed 5,000 square feet of impervious material coverage per lot shall be required to provide on-site detention/retention as required by local or state statutes and appropriately sized outflow orifice plates for the additional impervious area (*over 5,000 square feet*) in accordance with City Engineer recommended detention/retention volume calculations for a 25-year storm event. The applicant shall be required to provide engineered drawings and specifications for the proposed detention/retention and drainage to qualify for the exception. ~~In no event shall the impervious material coverage of any lot in the Hillside Overlay Zone exceed 40% of the total lot area. Upon acceptance/approval of the engineering documents, the applicant shall enter into a "maintenance agreement," as deemed acceptable by the City. Such maintenance agreement shall be recorded against the subject property as a condition of granting an increase impervious material allowance. In no event shall the impervious material coverage of any lot in the Hillside Overlay Zone exceed 40% of the total lot area.~~

For purposes of calculating the permissible lot coverage percentage, lot areas that exceed 30% slope shall be excluded and shall not be used in calculating the permitted 40% allowable impervious coverage area.

Suggested Reasons or 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 this amendment would serve to treat the residential and agricultural zones with improved fairness as regulated within the Hillside Overlay Zone and remain consistent within the regulations and parameters intended by the regulatory code.*
- d. *The Planning Commission finds that the City's Development Review suggested amendments have been endorsed by the City Engineer.*

- 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.*

HILLSIDE OVERLAY 12.42

12.42.040 Development Requirements Paragraph (d)

MAXIMUM IMPERVIOUS MATERIAL COVERAGE LANGUAGE UPDATED TO THE FOLLOWING WITH THE CHANGES IN RED FONT:

(d) Maximum Impervious Material Coverage. Except as otherwise provided herein, the maximum allowable coverage of a lot in the Hillside Overlay Zone by impervious material shall be 40% of the total lot area, or 5,000 square feet, whichever is less. The maximum allowable impervious material coverage of a lot may be allowed to exceed 5,000 square feet **or 40%** as an exception **if the lot is under 15% slope** upon recommendation of the City Engineer and approval of the applicable land use authority for the subject application i. e. subdivision, site plan, or building permit. Any applicant seeking an exception to exceed 5,000 square feet **or 40%** of impervious material coverage per lot shall be required to provide on-site **retention for the entire lot** in accordance with City Engineer recommended **retention** volume calculations for a 25 -year storm event. The applicant shall be required to provide engineered drawings and specifications for the proposed **retention** and drainage to qualify for the exception. In no event shall the impervious material coverage of any lot in the Hillside Overlay Zone exceed **60%** of the total lot area. For purposes of calculating the permissible lot coverage percentage, lot areas that exceed 30% slope shall be excluded and shall not be used in calculating the permitted 40% **or 60%** coverage area.

The reasons supporting the change:

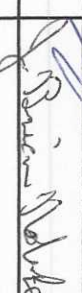
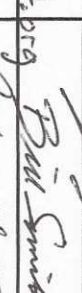
- 1. We, as Centerville residents, believe that drainage is the main issue regarding existing developed lots in the Hillside Overlay. Paragraph 12.42.040 (d) in the Hillside Overlay is the only paragraph that addresses this issue and needs to be updated.**
- 2. Currently, the Hillside Overlay covers many different types of lots unilaterally limiting us to only have up to 40% of our lots in impervious material. Because some of these lots are level, others are terraced, some are large, some small, and most with different slopes, we believe the ordinance should be updated to allow for these differences.**
- 3. As a result of continued advancement of drainage technology, with recommendation and oversight by the City Engineer, we believe an update of the Hillside Overlay would allow for all residents to have the opportunity to increase impervious material up to 60% on our lots by retaining our own water.**
- 4. We, as Centerville residents, believe there should be a way for those residing in the Hillside Overlay to have the opportunity to increase impervious material on our lots up to 60% to match the rest of the lots in Centerville.**

The reasons supporting the change:

- 1. We, as Centerville residents, believe that drainage is the main issue regarding existing developed lots in the Hillside Overlay. Paragraph 12.42.040 (d) in the Hillside Overlay is the only paragraph that addresses this issue and needs to be updated.**
- 2. Currently, the Hillside Overlay covers many different types of lots unilaterally limiting us to only have up to 40% of our lots in impervious material. Because some of these lots are level, others are terraced, some are large, some small, and most with different slopes, we believe the ordinance should be updated to allow for these differences.**
- 3. As a result of continued advancement of drainage technology, with recommendation and oversight by the City Engineer, we believe an update of the Hillside Overlay would allow for all residents to have the opportunity to increase impervious material up to 60% on our lots by retaining our own water.**
- 4. We, as Centerville residents, believe there should be a way for those residing in the Hillside Overlay to have the opportunity to increase impervious material on our lots up to 60% to match the rest of the lots in Centerville.**



We, the undersigned Centerville residents, fully support updating the language of paragraph (d) of 12.42.040 Development Requirements of the Hillside Overlay Zone, 12.42 of Centerville City Zoning Code, as set forth in this application.

Name	Address	Email	Signature
Danae Messer	936 N 700 E Cent	jadicke@aol.com	
Bryan McCurdy	832 N 610 E, Cent	brynmccurdy4@gmail.com	
Kyle Cannon	915 N 700 E Centerville	kylecannon07@yahoo.com	
Brian Noble	684 E 900 N, Centerville	brian17@gmail.com	
Walter Sonntag	658 E 900 N Centerville	blthend14y point sold	
John Stevens	911 N 610 E Centerville	stevensj@hotmail.com	
Bill Smith	882 N 610 E Centerville	bsmith1@churchofjesuschrist.org	
Monte Thompson	912 N 700 E "	monte.dt@gmail.com	
Davis Emery	822 N 610 E "	davisjwemery@gmail.com	
Dan Nissen	948 N 610 E "	dan.nissen@comcast.net	
Loraine Nicholson	646 E Chase "	lsnicholson@gmail.com	
Kim Peterson	627 E. Chase "	kpbiker@live.com	
Michael Ward	984 N 610 E "	michaelward385@gmail.com	
John Christensen	918 N 610 E, Centerville	jchrist3@gmail.com	
Rick Freeman	872 N 700 E "	rickardfreeman.007@gmail.com	
Greg Roy	869 N 700 E Centerville	greg42@yahoo.com	
Michael Miller	795 N 700 E Centerville	mhmiller90@gmail.com	

We, the undersigned Centerville residents, fully support updating the language of paragraph (d) of 12.42.040 Development Requirements of the Hillside Overlay Zone, 12.42 of Centerville City Zoning Code, as set forth in this application.

All of these existing lots are in the Hillside Overlay (1 signature per lot)

#	Name	Address	Email	Signature
1	Debbie Dickerson	936 N 700 E	iadickerson1@gmail.com	See Original
2	Bryan McCurdy	832 N 610 E	bryanmccurdy14@gmail.com	See Original
3	Kyle Cannon	915 N 700 E	kylcannon1@yahoo.com	See Original
4	Brian Noble	684 E 900 N	briann17@gmail.com	See Original
5	Walter Sonntag	658 E 900 N	walter@keypointsolutions.com	See Original
6	John Stevens	911 N 610 E	iflystevens@hotmail.com	See Original
7	Bill Smith	882 N 610 E	bsmith1@churchofjesusChrist.org	See Original
8	Monte Thompson	912 N 700 E	monte.dt@gmail.com	See Original
9	Davis Emery	822 N 610 E	davisemery@gmail.com	See Original
10	Don Nielsen	948 N 610 E	don.nielsen@comcast.net	See Original
11	Loraine Michelson	646 E Chase Lane	lsmichelson@gmail.com	See Original
12	Kim Peterson	627 E Chase Lane	kpbiker@live.com	See Original
13	Michael Ward	984 N 610 E	michaelward385@gmail.com	See Original
14	John Christensen	918 N 610 E	jcchrist3@gmail.com	See Original
15	Rick Freeman	872 N 700 E	richardfreeman.007@gmail.com	See Original
16	Fraser Roy	869 N 700 E	frog42@yahoo.com	See Original
17	Michael Miller	785 N 700 E	mbmiller9@gmail.com	See Original

**PLANNING
COMMISSION**

Staff Report
3/8/2023

Item No. 1.

Title: Community Development Director's Report

Initiated By: Planning Commission

Staff Representative: Cory Snyder, Community Development Director

SUBJECT:

Next Planning Commission Meeting - **March 22, 2023**

Tentative Items:

- *Conceptual Subdivision - Industrial Flex Development, Stokes Stevenson*
- *Conceptual Site Plan - Pheasant Brook Expansion*
- *Zone Text Amendment - Allowable Uses, Shorelands Commerce Park*

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/8/2023

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 2-22-23 PC Minutes

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, February 22, 2023
7:00 p.m.

A quorum being present at 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
Shawn Hoth (arrived at 7:04 p.m.)
Matt Larsen, Vice Chair
Tyler Moss
Heidi Shegrud, Chair

MEMBERS ABSENT

Mason Kjar

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Whittney Black, Assistant Planner

VISITORS

Brian Stevenson, Stokes Stevenson
Sam Nelson, Stokes Stevenson
Nick Brady, architect for Stokes Stevenson

LEGISLATIVE PRAYER OR THOUGHT Commissioner Larsen

PLEDGE OF ALLEGIANCE

Commissioner Hoth arrived at 7:04 p.m.

PUBLIC HEARING – CONCEPTUAL SITE PLAN, 1200 WEST 50 SOUTH, STOKES STEVENSON INDUSTRIAL FLEX DEVELOPMENT

Community Development Director Cory Snyder explained that Stokes Stevenson was under contract to purchase approximately 16.85 acres of an underutilized portion of the Trinity site located at approximately 1200 West 50 South. Mr. Snyder presented a Conceptual Site Plan for an industrial flex-use project consisting of multiple buildings and related improvements. Although the proposed project would be viewed as a single, integrated development, separate conceptual site plans were prepared for the two property owners involved, Stokes Stevenson and Trinity. He explained existing non-conformities on the site, the planned partnership between the two parties, and a Memorandum of Understanding between Centerville City and West Bountiful City (part of the site was within West Bountiful). Mr. Snyder provided historical background for use of the site, and said staff took the position that the proposed use was consistent with the General Plan. He said the applicant met all requirements for conceptual site plan submittal, and staff did not find any fatal flaws in the submittal. Mr. Snyder said the City Engineer had not yet provided a formal response to the traffic study submitted. The Commission and staff discussed road access to the property.

Brian Stevenson with Stokes Stevenson said Stokes Stevenson was a land development company. Trinity decided to sell the entire property several years ago. Valtir (an ownership group based in California) purchased the portion of the property with large green buildings, with Trinity remaining as an occupant, and Stokes Stevenson purchased the remaining

1 approximately 17 acres of undeveloped land. Mr. Stevenson said Stokes Stevenson agreed to
2 present on behalf of Valtir. He said Stokes Stevenson would rather not share a drive access
3 with Hogan, but would be willing to consider options.
4

5 Commissioner Daly asked about conversations between the applicant and West
6 Bountiful, and what West Bountiful intended. Mr. Stevenson said conversations regarding
7 possible boundary realignment were ongoing, and said he hoped to find the most reasonable
8 solution. He said West Bountiful had essentially deferred to Centerville City for planning,
9 submission, and approvals. Mr. Stevenson said Stokes Stevenson looked for ecommerce,
10 research and development, and bio companies as tenants. Nick Brady, architect for Stokes
11 Stevenson, said he was happy to be part of the project, and believed the project would be a
12 benefit to Centerville.
13

14 Mr. Brady showed a conceptual landscaping plan. Chair Shegrud said she liked the
15 proposed use of Desert Gold grass, but expressed concern with the proposed use of Blue
16 Spruce given the high winds occasionally experienced in Centerville.
17

18 At 7:54 p.m., Chair Shegrud opened a public hearing, and closed the public hearing
19 seeing that no one came forward to comment.
20

21 Commissioner Daly made a **motion** for Planning Commission acceptance of the
22 Conceptual Site Plan for the proposed Stokes/Stevenson Industrial Flex Site, with the following
23 conditions and reasons for action. Commissioner Moss seconded the motion, which passed by
24 unanimous vote (5-0).
25

26 Conditions:
27

- 28 1. A final site plan application may be prepared and submitted as outlined in CZC
29 12.21.110(e) of the City's Zoning Ordinance.
- 30 2. The final site plan submittal shall substantially conform to this associated conceptual
31 site plan submittal and acceptance, unless otherwise amended/alterd to comply
32 with the applicable I-VH Zone development standards, or other applicable City codes
33 and standards.
- 34 3. The applicant shall review and incorporate the missing or needed changes to the
35 final site plan design, as further outlined in the February 22, 2023 staff report for
36 Conceptual Site Plan Acceptance.
- 37 4. The final site plan proposal shall remain subject to the City Engineer's review of the
38 Geotechnical and Traffic Studies submitted and shall incorporate any
39 changes/alterations, as deemed essential by the City Engineer.
- 40 5. This conceptual site plan acceptance is not intended to permit actual development of
41 property pursuant to such plan but was reviewed merely to represent how the
42 property could be developed in manner consistent with City ordinances.
- 43 6. A portion of this Conceptual Site Plan and proposed development is outside of the
44 City limits (West Bountiful) and has been deemed to be reviewed utilizing the I-VH
45 standards in accordance with the MOU between the Cities and the developer.
46 However, such review is not a guarantee, sanction and/or an approval by West
47 Bountiful.
48

49 Reasons for action:
50

- 51 a. The Planning Commission finds that after considering the goals and objectives of the
52 West Centerville Neighborhood Plan, as reviewed in the staff report, the Conceptual
53 Site Plan can be deemed consistent with the City's General Plan.

- b. The Planning Commission finds that after considering the applicable development standards of the I-VH Zone, the proposed Conceptual Site Plan with modifications, could likely comply with the expected development standards, as also considered in the applicable staff report of February 22, 2023.
- c. Therefore, the Planning Commission finds that Conceptual Site Plan Acceptance is reasonable for the proposed development submittal.

PUBLIC HEARING – CONCEPTUAL SITE PLAN, 1200 WEST 50 SOUTH, TRINITY AMENDED SITE PLAN

Mr. Snyder presented the Conceptual Site Plan for the Trinity Facility Site located at 1200 West 50 South. At 7:57 p.m., Chair Shegrud opened a public hearing, and closed the public hearing seeing that no one wished to comment.

Commissioner Daly made a **motion** for Planning Commission acceptance of the Conceptual Site Plan for the proposed Trinity Facility Site, with the following conditions and reasons for action. Commissioner Hoth seconded the motion, which passed by unanimous vote (5-0).

Conditions:

1. A final site plan application may be prepared and submitted as outlined in CZC 12.21.110(e) of the City's Zoning Ordinance.
2. The final site plan submittal shall substantially conform to this associated conceptual site plan submittal and acceptance, unless otherwise amended/alterd to comply with the applicable I-VH Zone development standards, or other applicable City codes and standards.
3. The applicant shall review and incorporate the missing or needed changes to the final site plan design, as further outlined in the February 22, 2023 staff report for Conceptual Site Plan Acceptance.
4. The final site plan proposal shall remain subject to the City Engineer's review of the Geotechnical and Traffic Studies submitted and shall incorporate any changes/alterations, as deemed essential by the City Engineer.
5. This conceptual site plan acceptance is not intended to permit actual development of property pursuant to such plan but was reviewed merely to represent how the property could be developed in manner consistent with City ordinances.
6. A portion of this Conceptual Site Plan and proposed development is outside of the City limits (West Bountiful) and has been deemed to be reviewed utilizing the I-VH standards in accordance with the MOU between the Cities and the developer. However, such review is not a guarantee, sanction and/or an approval by West Bountiful.

Reasons for action:

- a. The Planning Commission finds that after considering the goals and objectives of the West Centerville Neighborhood Plan, as reviewed in the staff report, the Conceptual Site Plan can be deemed consistent with the City's General Plan.
- b. The Planning Commission finds that after considering the applicable development standards of the I-VH Zone, the proposed Conceptual Site Plan with modifications, could likely comply with the expected development standards, as also considered in the applicable staff report of February 22, 2023.
- c. Therefore, the Planning Commission finds that Conceptual Site Plan Acceptance is reasonable for the proposed development submittal.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The Planning Commission was scheduled to meet next on March 8, 2023.

MINUTES REVIEW AND APPROVAL

Minutes of the January 25, 2023 Planning Commission meeting were reviewed. Commissioner Larson **moved** to approve the minutes. Commissioner Hoth seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 8:02 p.m., Commissioner Daly **moved** to adjourn the meeting. Commissioner Larsen seconded the motion, which passed by unanimous vote (5-0).

Jennifer Robison, City Recorder

Date Approved