



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON MARCH 22, 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 - Conceptual Subdivision Acceptance, Stokes-Stevenson Industrial Flex Site (aka Trinity) - ADMINISTRATIVE DECISION
The developer is under contract to purchase approximately 16.85 acres of land of an existing site used for Trinity. A portion of the property is located within Centerville at approximately 1200 West 50 South, which is zoned Industrial Very-High (I-VH) under the Centerville Zoning Code. However, a portion of the property is also located within West Bountiful at approximately 640 West 2300 North and is zoned Light Industrial (L-I) under the West Bountiful Zoning Code. The developer desires to further subdivide the property.
2. Public Hearing - Zone Text Amendment, Allowed Uses of the SCP District, Salmon, Applicant - LEGISLATIVE DECISION
The petitioner desires to amend the allowed use list of the SCP Zone to accommodate a potential tenant for one of their buildings. The desire to amend the use list to allow for "personal instruction" and "construction sales and service" in the zone. These uses are NOT currently allowed in the SCP Zone.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report
Next Planning Commission Meeting - April 12, 2023
Tentative Items:
 - Preliminary Subdivision - Canyon Point Development

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**

**PLANNING
COMMISSION**

Staff Report
3/22/2023

Item No. 1.

Title: Public Hearing - Conceptual Subdivision Acceptance, Stokes-Stevenson Industrial Flex Site (aka Trinity)
- ADMINISTRATIVE DECISION

Initiated By: Applicant

Staff Representative: Cory Snyder, Community Development Director

SUBJECT:

The developer is under contract to purchase approximately 16.85 acres of land of an existing site used for Trinity. A portion of the property is located within Centerville at approximately 1200 West 50 South, which is zoned Industrial Very-High (I-VH) under the Centerville Zoning Code. However, a portion of the property is also located within West Bountiful at approximately 640 West 2300 North and is zoned Light Industrial (L-I) under the West Bountiful Zoning Code. The developer desires to further subdivide the property.

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 03-22-2023 PC Staff Report Conceptual Subdivision Acceptance, Stokes-Stevenson Industrial Flex
2. Centerville Flex Subdivision Updated
3. 2022.12.01 CentervilleOwner'sAffidavit

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

**STAFF REPORT
AGENDA: ITEM 1**

OWNER: STOKES STEVENSON PARTNERS
1215 WILMINGTON AVE STE 120
SALT LAKE CITY, UTAH 84106

AGENT CONTACT: (sam@stokesstevenson.com)

PROPERTY: PARCELS 06-008-0035, 06-012-0038, 06-012-0112
(1200 WEST 50 SOUTH)

ACREAGE: 16.35 ACRES

ZONING: INDUSTRIAL VERY- HIGH (I-VH) DISTRICT

APPLICATION: CONCEPTUAL SUBDIVISION ACCEPTANCE

RECOMMENDATION: CONSIDER NOT ACCEPTING (*DENIAL*)

BACKGROUND

The developer is under contract to purchase approximately 16.85 acres of land of an existing site used for Trinity. A portion of the property is located within Centerville at approximately 1200 West 50 South, which is zoned Industrial Very-High (I-VH) under the Centerville Zoning Code. However, a portion of the property is also located within West Bountiful at approximately 640 West 2300 North and is zoned Light Industrial (L-I) under the West Bountiful Zoning Code. The developer desires to develop a significant underutilized portion property as an industrial flex use project consisting of multiple buildings and related improvements.



PRIOR SITE PLAN REVIEW STATUS SUMMARY

On February 22, 2023, the Centerville Planning Commission voted **ACCEPTANCE OF THE CONCEPTUAL SITE PLAN** for the proposed the *Stokes/Stevenson Industrial Flex Site*, as follows:

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 to 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) 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.*

CONCEPTUAL SUBDIVISION REVIEW – CMC 15.02

Conceptual Review Expectations - The Conceptual Subdivision review process is meant to give the applicant an opportunity to receive guidance from the Planning Commission and City Staff regarding the requirements and constraints of the proposed project. This is a requirement of all subdividers. The acceptance of a conceptual subdivision application does not constitute an approval or disapproval of the proposed subdivision. (CMC 15.02.050(c))

1. CMC 5.06.020 Non-Residential Subdivision Requirements

2. **The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed** and shall conform to the proposed land use and standards established in the General Plan and the Zoning Code.
3. **In addition to the principles and standards** in the [Subdivision Ordinance] which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the

satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a) Proposed commercial, industrial or manufacturing parcels shall be suitable in area and dimensions to the types of commercial, industrial or manufacturing development anticipated, and to the requirements of the Zoning Code.
- b) Street rights of way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
- c) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
- d) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.
- e) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

Industrial Very-High Development Standards – CZC 12.35.300

Lot and Parcel Standards	Minimum Required	Actual	Compliance Status
Minimum Area	None		Null
Minimum Frontage	50ft		Debatable – See Lot Layout Discussion
Minimum Width	50ft		NO

General Requirements for All Subdivisions (CMC 15.05)

LOTS – All subdivisions must create developable and buildable lots. While this subdivision does create such lots, some of their lot lines are severely skewed. Staff believes that such skewing is not consistent with the expected orderly development of subdivisions, as noted in CMC 15.06.020 and also with the definition of a Lot, as described in 15.01, as follows:

"Lot" means a parcel or tract of land within a subdivision and abutting a public street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.

Consequently, it is the expectation the Zoning Ordinance that site plan development should be approved in a manner that each lot can conform to all the related building, landscaping, parking,

and other relevant requirements as an independent site or phase [see CZC 12-21-110(f)]. The applicant has NOT shown or proven that each lot will comply independently with the zoning development standards, thereby guaranteeing that any subsequent owner of the lots would not be in possession of a non-conforming situation or dependent upon another lot owner for compliance with the Zoning Ordinance.

Although the applicant has been informed of this by City Staff, the current request is seeking an as exception, as potentially provided for according to the subdivision ordinance, as follows:

“The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul de sac on which the lots face. The Planning Commission may recommend to the City Council exceptions to this requirement. Upon a showing of good cause, the City Council may allow exceptions to this requirement.” (15.05.020(d))

However in this subdivision request, staff is steadfastly opposed to any expectations due to the ordinance parameters and potential problems identified above. The more prudent solution to developing a subdivision is the utilization of the Planned Unit Development (PUD) Subdivision provisions, as outlined in CMC 15.06.010, where access, parking landscaping can be held in common with the owners of any building pad location. Thereby, this assures that such common needs and interests are accounted for and remain in compliance with the original site plan approval.

STREETS, DRAINAGE, AND UTILITY IMPROVEMENTS –

As reviewed in the related Conceptual Site Plan Acceptance, there are no new public streets being proposed. As to utility services, this is being worked out using the related MOU and additional review of the Final Site Plan. However, if the proposed configuration is accepted by the City, each lot require additional utility easements. The Subdivision Ordinance requires three public utility easements on each lot; a 10ft easement along the street frontage; a 7ft easement along one side; and a 7ft along the rear lot line.

PLANNING STAFF RECOMMENDATION

[SUGGESTED MOTION]: *“I hereby make a motion for the Planning Commission to **DENY** the proposed conceptual subdivision plan for the Stokes Stevenson Industrial Flex Subdivision (aka Trinity Site Expansion), as currently submitted to the City, for the following findings or reasons for action:*

- a) The Planning Commission finds that a "Lot" means a parcel or tract of land within a subdivision and abutting a public street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces*

as are arranged and designed to be used in connection with the building according to the zone within which the lot is located, as defined in CMC 15.01.

- b) The Planning Commission finds that the proposed expectations the Zoning Ordinance are that site plan development should be approved in a manner that each lot can conform to all the I-VH districts related building, landscaping, parking, and other relevant requirements as an independent site or phase [see CZC 12-21-110(f) and CZC 12.35.060].*
- c) The Planning Commission finds that the applicant has NOT shown or proven that each lot will comply independently with the zoning development standards, thereby guaranteeing that any subsequent owner of the lots would not be in possession of a non-conforming situation or dependent upon another lot owner for compliance with the Zoning Ordinance [see CZC 12.22.020.(b)].*
- d) The Planning Commission finds that “The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul de sac on which the lots face. The Planning Commission may recommend to the City Council exceptions to this requirement. Upon a showing of good cause, the City Council may allow exceptions to this requirement.” (15.05.020(d)).*
- e) The Planning Commission finds that that lot layout exceptions are NOT a guarantee but rather a “may” and a “good cause” argument has not been made.*
- f) The Planning Commission finds that the more prudent solution to developing a subdivision is the utilization of the Planned Unit Development (PUD) Subdivision provisions, as outlined in CMC 15.06.010, where access, parking landscaping can be held in common with the owners of any building pad location. Thereby, this assures that such common needs and interests are accounted for and remain in compliance with the original site plan approval.*
- g) Therefore, the Planning Commission finds that proposed conceptual subdivision layout is NOT suitable in area and dimensions to the type of industrial development anticipated for the property, as required by CMC 5.06.020 Non-Residential Subdivision Requirements*

CENTERVILLE FLEX SUBDIVISION
PRELIMINARY PLAT

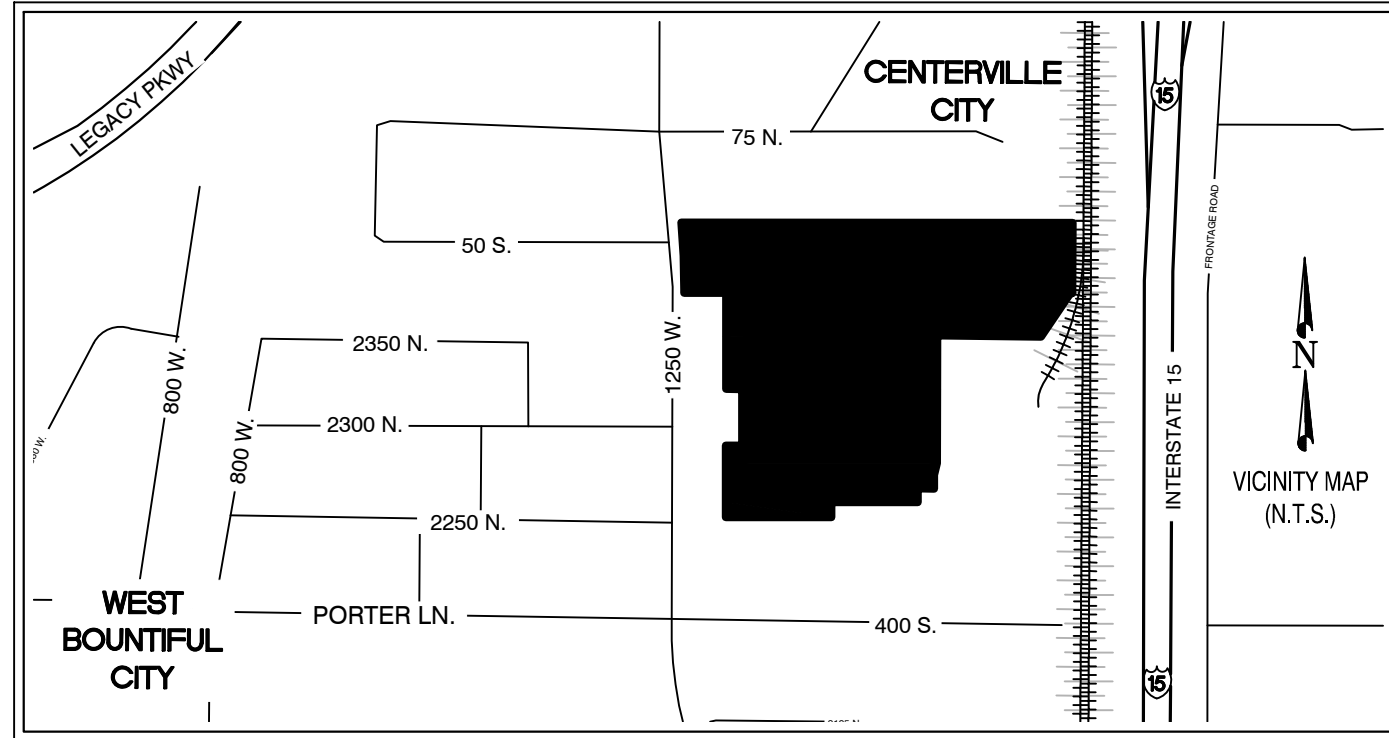
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12 & THE NORTHEAST QUARTER OF SECTION 13,
TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
CENTERVILLE CITY, DAVIS COUNTY, UTAH

PROPERTY
MANAGEMENT X LLC
06-012-0105

Found Witness Corner
to the East Quarter Corner
Section 12, T.2N., R.1W.

(WC to Sec Cor)
S89°54'27"E
102.69'

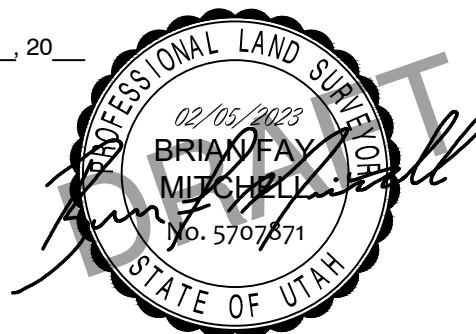
East Quarter
Section 12, T.2N., R.1W.
(Calculated)



SURVEYOR'S CERTIFICATE

I, BRIAN F. MITCHELL, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 5707871 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have made a survey of the property described on this plat in accordance with 17-23-17, and have subdivided said property into lots and streets, together with easements, hereafter to be known as **CENTERVILLE FLEX SUBDIVISION** and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Signed this ____ day of _____, 20__



BOUNDARY DESCRIPTION

A parcel of land located in the Southeast Quarter of Section 12 and the Northeast Quarter of Section 13, Township 2 North, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at a point on the westerly right-of-way line of Utah Transit Authority Commuter Rail shown on that certain Utah Transit Authority Commuter Rail Right-of-Way Survey filed as No. 5910 in the Office of the Davis County Surveyor, which is 111.34 feet S. 89°56'12" W. and 420.01 feet N. 00°05'40" E. along a monument line and 3.93 feet West from the Southeast Corner of said Section 2; thence N. 89°56'12" W. 6.45 feet; thence S. 33°58'38" W. 161.97 feet; thence N. 89°16'52" W. 320.74 feet; thence S. 00°12'44" W. 395.27 feet; thence S. 13°47'20" W. 37.99 feet; thence S. 00°12'44" W. 41.85 feet; thence N. 89°25'16" W. 50.10 feet; thence S. 00°34'44" W. 42.78 feet; thence N. 89°51'46" W. 266.77 feet; thence S. 00°03'48" W. 46.77 feet; thence N. 89°56'12" W. 326.64 feet; thence N. 00°03'48" E. 221.33 feet; thence S. 89°56'12" E. 50.00 feet; thence N. 00°03'48" E. 174.70 feet; thence N. 89°56'12" W. 50.00 feet; thence N. 00°03'48" E. 297.50 feet; thence N. 89°56'12" W. 129.35 feet; thence N. 00°25'40" E. 10.67 feet to a point of tangency with a 1949.86 - foot radius curve to the left, concave westerly; thence Northerly 207.44 feet along the arc of said curve, through a central angle of 06°05'44" (Chord bears N. 02°37'12" W. 207.34 feet); thence S. 89°56'12" E. 1,211.16 feet to said westerly right-of-way line; thence S. 00°13'08" W. 217.78 feet along said westerly right-of-way line to the **Point of Beginning**.

The above described parcel of land contains 737,027 sq. ft. or 16.919 acres, more or less. 3 Lots

The Rotation of this Description to NAD83 State Plane Bearing (Utah North Zone) is 00°19'04" Clockwise.

OWNER'S DEDICATION

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into Lots, Parcel and Streets, together with easements as set forth to be hereafter known as:

CENTERVILLE FLEX SUBDIVISION

And do hereby dedicate for perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and iteration of utility lines and facilities. The undersigned owners also hereby convey any other easements and shown on this plat to the parties indicated and for the purposes shown hereon.

STOKES STEVENSON CENTERVILLE FLEX LLC

By: _____

Print Name: _____

Title: _____

NOTARY ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, in the year 20__, before me, _____ a Notary Public, personally appeared _____ the _____ of STOKES STEVENSON CENTERVILLE FLEX LLC proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to in the foregoing owner's dedication and consent regarding the **CENTERVILLE FLEX SUBDIVISION** and was signed by him/her on behalf of said STOKES STEVENSON CENTERVILLE FLEX LLC and acknowledged that he/she/they executed the same.

Commission Number _____

My Commission Expires _____

Signature: _____

Print Name: _____

A Notary Public Commissioned in Utah

CENTERVILLE FLEX SUBDIVISION

LOCATED IN THE SE 1/4 OF SECTION 12 & THE NE 1/4 OF SECTION 13,
TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
CENTERVILLE CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

Recorded # _____

State of Utah, County of Davis, Recorded and filed at the request of

Date: _____ Time: _____ Book: _____ Page: _____

Fee \$ _____ Davis County Recorder

LINE TABLE

LINE #	LENGTH	BEARING
L1	6.45	N89° 56' 12"W
L2	37.99	S13° 47' 20"W
L3	41.85	S0° 12' 44"W
L4	50.10	N89° 25' 16"W
L5	42.78	S0° 34' 44"W
L6	46.77	S0° 03' 48"W
L7	50.00	S89° 56' 12"E
L8	50.00	N89° 56' 12"W
L9	10.67	N0° 25' 40"E

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	207.44	1949.86	6°05'44"	N2° 37' 12"W	207.34
C2	39.99	1949.86	1°10'31"	S0° 09' 36"E	39.99
C3	112.49	1949.86	3°18'20"	S2° 24' 01"E	112.48
C4	54.95	1949.86	1°36'53"	S4° 51' 38"E	54.95

SOUTH DAVIS SEWER DISTRICT

Approved and accepted by South Davis Sewer District on this ____ day of _____, AD 20__.

Approved: _____
Matthew Myers, General Manager

PLANNING COMMISSION

Recommended for approval this ____ day of _____ A.D. 20__ by the Centerville City Planning Commission.

Chairman, Planning Commission

CENTERVILLE CITY ENGINEER

Recommended for approval this ____ day of _____ A.D. 20__.

City Engineer

CITY ATTORNEY

Recommended for approval as to this form this ____ day of _____ A.D. 20__.

City Attorney

CITY COUNCIL APPROVAL

Presented to the Centerville City Council this ____ day of _____ A.D. 20__, at which time this subdivision was approved and accepted.

Attest: City Recorder

Mayor

OWNER / DEVELOPER:
Stokes Stevenson Centerville Flex LLC
1215 East Wilmington Avenue
Salt Lake City, Utah 84106

SHEET
1
1

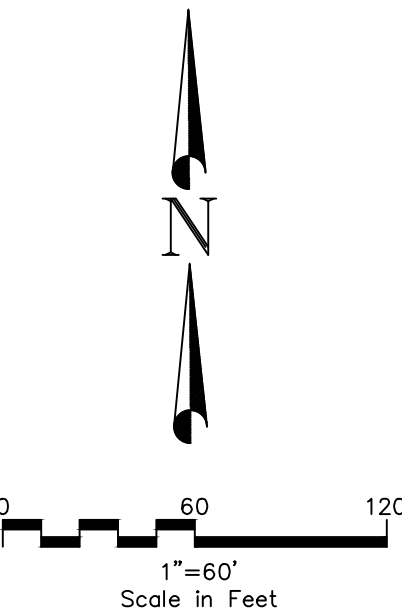
PREPARED BY:

CIR CIVIL ENGINEERING
+SURVEYING

10718 South Beckstead Lane, Suite 102, South Jordan, Utah 84095
Phone: 435-503-7641

Legend of Symbols
& Abbreviations

- Boundary Line
- Adjacent Parcel Line
- Section Line
- Easement
- Set rebar and cap stamped "CIR ENGINEERING"



AFFIDAVIT

PROPERTY OWNER

STATE OF Utah }
COUNTY OF Salt Lake }ss

I (We), Bryan Stevenson, 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.

Stokes Stevenson Centerville Flex, LLC
(Property Owner)

[Signature] (Manager)
(Property Owner)

Subscribed and sworn to me this 1 day of December, 2022.



[Signature]
(Notary Public)

Residing in Salt Lake, Utah

My Commission Expires 12/3/2022

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ 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.

(Property Owner)

(Property Owner)

Dated this ____ day of _____, 20____, personally appeared before me _____, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

(Notary Public)

Residing in _____, Utah

My Commission Expires _____

THE NEW YORK PUBLIC LIBRARY

40 YPM 100

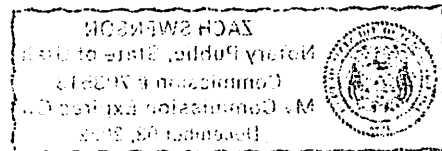
(REVISED 10/1/94)

for 10 years.

(oldu' yadot)

Noted: _____

100-443887-1



61-10430-100-1-100-1-100-1-100-1

[illegible]

(75000) 4190011.

(79-0-08690-5)

The enclosed document was signed by _____ at _____ day of _____ at _____
of Baghdad containing fully and substantially true means & contents of the signature of _____

(2013-9-2014)

date: _____ at _____

1992-1993: 1992-1993



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/22/2023

Item No. 2.

Title: Public Hearing - Zone Text Amendment, Allowed Uses of the SCP District, Salmon, Applicant -
LEGISLATIVE DECISION

Initiated By: Applicant

Staff Representative: Cory Snyder, Community Development Director

SUBJECT:

The petitioner desires to amend the allowed use list of the SCP Zone to accommodate a potential tenant for one of their buildings. The desire to amend the use list to allow for "personal instruction" and "construction sales and service" in the zone. These uses are NOT currently allowed in the SCP Zone.

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 03-22-2023 PC Staff Report Zone Text Amendment - SCP Use List, Salmon Applicant
2. Zoning Code Amendment - Google Docs

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

STAFF REPORT
AGENDA: ITEM 2

PETITIONER:	CRAIG SALMON 1230 NORTH 1300 WEST CENTERVILLE, UTAH 84014 <u>lsalmon@salmonhvac.com</u>
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING ALLOWED USES IN THE SHORELANDS COMMERCE PARK DISTRICT
RECOMMENDATION:	CONSIDER RECOMMENDING APPROVAL TO THE CITY COUNCIL

BACKGROUND

The petitioner desires to amend the allowed use list of the SCP Zone to accommodate a potential tenant for one of their buildings. Recently, the City received a “business license” application for a “sports complex for youth.” According to the SCP Zone Allowed Uses, this was classified as a Recreation and Entertainment, Indoor Use. This use is NOT currently allowed in the SCP Zone. Furthermore, the potential tenant also operates a “roofing company,” which was listed as a “secondary use.”

Initially, city staff denied the application and further discussion took place between the Zoning Administrator and the potential tenant. The potential tenant indicated that the proposed youth complex was more akin to one-on-one pitching and batting instruction, similar to a use of “karate instruction” located nearby. Upon review of the matter, the Zoning Administrator discovered that “personal instruction” is currently prohibited in the SCP Zone. Therefore, the allowance of the nearby karate instructional use was approved by the City in error.

As to the proposed secondary use, the proposed tenant has indicated that he is an independent distributor of roof products and needs a small office space. If the proposed secondary use is simply a “office” for the company, then office use is allowable. However, if the space is used for retail/showroom space for product showing and purchase, it will likely fall under the “construction sales and service” use category, which is also currently prohibited in the SCP Zone.

After a few conversations with the building owner and tenant, the only possible way forward for the proposed tenant was to have the owner submit a for a “zone text amendment,” to consider additional uses for the SCP Zone. One avenue discussed was to amend the SCP to be similar to the Industrial High Zone, which does accommodate the personal instruction and construction sales and service use categories. Another option is to “selectively add” these specific uses. Staff believes that there are merits and disadvantages to both scenarios, which will be discussed further in this report and at the Planning Commission Meeting.

HISTORICAL CONTEXT OF THE SCP ZONE

Soon after the Legacy Highway was constructed and in operation, the City Manager of Woods Cross desired to designate the new highway as a scenic byway. After much controversy at the State Legislative level, the scenic byway status was eventually recognized by the Governor and for the first 11 years of operation truck traffic was prohibited.

As part of this effort, the City Manager facilitated a joint effort with several communities along the highway to create a Scenic Byway Plan. The desired outcome was to celebrate the uniqueness of the interface between urban areas to the east and the uplands of the Great Salt Lake to the west. To facilitate this relationship, the group desired to create a consistent visual image for development that is built along the scenic byway. Within the byway plan, it contained a “*model zoning ordinance*” that could be reviewed, modified, and adapted by each city.

This model ordinance is the base of the Shorelands Commerce Park Zone in Centerville. One of the considerations of the model ordinance for Centerville was to focus on developing a “job creation area.” At the time, there was intense pressures (even continuing today) for new housing projects. Davis County was encouraging cities to set land aside for industrial development to encourage more job creation to lessen the need to commute to Salt Lake City or Ogden for work places. Thus, the SCP Zone was created and set aside for further industrial development rather for housing. Nonetheless, the City also created a customized Mixed-Use allowance to allow for other commercial uses and housing that would support the creation of a “job center.”

Since the adoption of the Shorelands Commerce Park, the development along the corridor in Centerville has been stagnant, due to the lack of infrastructure and service in the area. Additionally, the byway supporters lost their petition to renew the truck traffic restriction along

the corridor. Legacy Highway now functions as a full operational freeway, which somewhat compromises the original ideals of the byway committee.

This request now begs the questions, how much would this text amendment compromise the original design expectations created in the byway committee's model ordinance, as well as the City's adopted Shoreland Commerce Park District Plan and associated zoning regulations?

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

The **proposed zone text amendment**, rewritten in the typical ordinance format is as follows:

12.47.090 SCP Zone, Permitted And Conditional Uses

- *"The following uses, as defined in CZC 12.12 (Definitions), shall ~~be permitted uses in the SCP Zone...~~ consist of the same permitted uses of the Industrial-High District, as listed in CZC 12.36. Table of Uses.*

ZONING CODE TEXT AMENDMENT REVIEW PROCESS

FACTORS TO CONSIDER - When considering a zoning code text or a zoning map amendment the Planning Commission is to consider four factors stated in *CZC 12.21.080(e)*. However, factors two through four specifically relate to map amendments and do not apply to this zoning code amendment. Thus, staff's review will be limited to factor one and is provided below:

1. Is the proposed Zoning Code amendment consistent with the goals, objectives, and policies of the General Plan?

- **Staff's Response:** Debatable. *CMC 12-480-6(C)(3)* states the following concerning uses in the Shorelands Commerce Park District.

3.A. Rezone or adopt a business park overlay zone to focus on establishing land uses such as manufacturing, high technology industry, pharmaceutical and medical services, or other similar employment sectors.

3.B. Allow for the controlled establishment of secondary supportive land uses as a transition into Farmington City. This area is to compliment the job creation market, such as small service commercial, mixed-use, and residential type uses.

Based on this language, Staff believes the proposed amendment could potentially impact the goals and objectives of the General Plan. However, staff also acknowledges that there may be other market competing interests that may not allow the "original ideal" to actualize. Below is a summary of staff's view/opinions:

- The SCP was originally adopted in 2007. Due to environmental and infrastructure shortfalls, the main area devoted to the SCP vision still has additional hurdles to cross

- over (e.g. wetland mitigation, roadway development, and extension of utility infrastructure).
- The roadway extension will cost in the neighborhood of 13-15 million dollars and will likely take another several years to develop. At best case it could be accomplished maybe in 5-7 years (2-3 years for environmental clearance, and another 3-4 years pending funding).
 - In the marketplace, the SCP ideal vision is competing with Falcon Crest (a Hill Airforce Base Center), Silicon Slopes (a technology center), and the Inland Port (a product transportation center).
 - Most likely the SCP District will develop either with a “warehousing” or a “small business start-ups.” Or
 - The vision will entirely shift more towards a “commercial/office” element with “housing” being a likely component. We are currently awaiting the results of a market study that is underway.
 - Consequently, the only area of the SCP District that has been developed is along the existing terminal road at the south end of the district. Most of the uses are offices for local businesses, or limited manufacturing that cross over with the definition with “contractor sales and services,” which lends itself to locate in flex warehouse space, as has been the typical of the Industrial High District also.

PLANNING STAFF RECOMMENDATIONS

[OPTION 1 – STAFF SUGGESTED ACTION] – “I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed Zoning Code Text Amendment to CZC 12.68.050(h) regarding allowed uses in the Shorelands Commerce Park District as follows:

12.47.090 SCP Zone, Permitted And Conditional Uses

- Add the following uses to the SCP District permitted use list – Construction Sales and Service; and Personal Instruction Service

[OPTION 2 – PETITION’S SUGGESTED ACTION] – “I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed Zoning Code Text Amendment to CZC 12.68.050(h) regarding allowed uses in the Shorelands Commerce Park District as follows:

12.47.090 SCP Zone, Permitted And Conditional Uses

- “The following uses, as defined in CZC 12.12 (Definitions), shall be permitted uses in the SCP Zone...” consist of the same permitted uses of the Industrial-High District, as listed in CZC 12.36. Table of Uses.

FINDINGS OR REASONS FOR ACTION:

- a) The Planning Commission finds that the proposed text amendment is debatable with regards to being consistent with the goals, objectives, and policies of the City’s General Plan.

- b) The Planning Commission finds that the SCP was originally adopted in 2007. However, due to environmental and infrastructure shortfalls, the main area devoted to the SCP vision still has additional hurdles to cross over (e.g. wetland mitigation, roadway development, and extension of utility infrastructure).*
- c) Consequently, the Planning Commission finds that only area of the SCP District currently developed is along the existing terminal road at the south end of the district.*
- d) The Planning Commission further finds that most of the uses are offices for local businesses, or limited manufacturing that cross over with the definition with “contractor sales and services,” which lends itself to locate in flex warehouse space, as has been the typical of the Industrial High District also.*
- e) Lastly, the Planning Commission finds that the allowance of “personal instruction service” does not overly pose problems with the intention of creating a “job center” within the SCP District, if and when the needed roadway and utility infrastructure becomes available.*

We are requesting to amend the permitted use of the Shoreline Zone to match the Industrial zone permitted use.



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/22/2023

Item No. 1.

Title: Community Development Director's Report

Initiated By:

Staff Representative:

SUBJECT:

Next Planning Commission Meeting - **April 12, 2023**

Tentative Items:

- Preliminary Subdivision - Canyon Point Development

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/22/2023

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 3-8-23 PC Minutes

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, March 8, 2023**

3 **7:00 p.m.**

4
5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the
6 meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Kevin Daly
10 Shawn Hoth
11 Mason Kjar
12 Matt Larsen, Vice Chair
13 Tyler Moss

14
15 **MEMBER ABSENT**

16 Heidi Shegrud, Chair

17
18 **STAFF PRESENT**

19 Cory Snyder, Community Development Director
20 Lisa Romney, City Attorney
21 Whitney Black, Assistant Planner
22 Kevin Campbell, City Engineer (arrived at 7:35 p.m.)

23
24 **VISITORS**

25 Dan Hutchings
26 Eric DeFries
27 Mike Henrie
28 John Stevens
29 Fraser Roy

30
31 **PLEDGE OF ALLEGIANCE**

32
33 **LEGISLATIVE PRAYER OR THOUGHT** Commissioner Daly

34
35 **PUBLIC HEARING – CONDITIONAL USE PERMIT FOR KENNEL USE – DOG**
36 **TRAINING ELITE NORTHERN UTAH TRAINING CENTER**

37
38 Assistant Planner Whitney Black explained the request for Conditional Use Permit for
39 Kennel use, and said staff believed the request met the objectives of the General Plan. She
40 presented conditions suggested by the applicant, and an additional condition recommended by
41 staff, and answered questions from the Council.

42
43 Commissioner Kjar commented that the proposed use seemed like it would be low
44 impact compared to other uses in the Industrial-High (I-H) Zone, and suggested the proposed
45 conditions were rigorous enough for Kennel use adjacent to a Residential Zone. Ms. Black
46 responded that the conditions were proposed by the applicant, with the exception of the
47 condition suggested by staff to screen the potty area from public view. City Attorney Lisa
48 Romney commented that the adjacent property was the Public Works facility which is in the
49 Public Facility Zone.

50
51 Dan Hutchings, applicant, described the work done at Dog Training Elite, and said they
52 held themselves to very high standards.

53
54 At 7:15 p.m., Vice Chair Larsen opened a public hearing, and closed the public hearing
55 seeing that no one wished to comment. Commissioner Daly **moved** for the Planning

Commission to approve a Conditional Use Permit for Dog Training Elite Northern Utah Training Center located at 625 North 1250 West with the following conditions and reasons for action. Commissioner Kjar seconded the motion, which passed by unanimous vote (5-0).

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, 8:00 am to 7:00 pm.
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.

Reasons for action:

- 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 under CZC 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.

PUBLIC HEARING – SMALL SUBDIVISION WAIVER – ERIC DEFRIES SUBDIVISION

Community Development Director Cory Snyder explained the applicant desired to subdivide/reconfigure property located at 1441 N Main Street into two single-family lots. The property was currently developed with a single-family home and a garage. Since the subdivision would be limited to two lots, the applicant was seeking a small subdivision waiver as outlined in CMC 15.02.070. On September 14, 2022, the Planning Commission reviewed and voted to table the small subdivision waiver request subject to directives. Mr. Snyder described changes to the proposal since last reviewed by the Commission, and said it was staff's view that the critical directives had been taken care of. Mr. Snyder and Ms. Romney answered questions from the Commission about the application and the proposed conditions of approval.

Eric DeFries, applicant, spoke of his application process with the City in the last few years. Mr. DeFries said he had never had drainage issues with neighbors, and expressed confidence in the drainage plans. Referring to suggested conditions of approval, Mr. DeFries expressed a preference for posting a \$25,000 demolition bond with the City over a required

1 timeframe for construction. He confirmed that a cross-access easement was confirmed by
2 UDOT.
3

4 At 7:45 p.m., Vice Chair Larsen opened a public hearing, and closed the public hearing
5 seeing that no one wished to comment. Commissioner Kjar suggested additional conditions of
6 approval regarding the driveway and the cross-access easement. The Planning Commission
7 discussed possible language with Ms. Romney. Mr. Snyder answered questions about fencing
8 requirements.
9

10 Commissioner Kjar made a **motion** for the Planning Commission to approve the small
11 subdivision waiver request for Parcel 02-015-0002, subject to the following directives and with
12 the following reasons for action. Commissioner Daly seconded the motion, which passed by
13 unanimous vote (5-0).
14

15 Directives:
16

- 17 1. The applicant shall prepare a Final Subdivision Plat and associated
18 engineering/construction improvements plans, in accordance with CMC 15.04, Final
19 Plat.
20
- 21 2. The subdivision plans shall be modified to definitively depict the minimum (buildable
22 area) requirements of 2,000 square feet (see CZC 12.32.1).
23
- 24 3. The subdivision plans shall be modified to depict the required public utility
25 easements regarding the 7-foot side/rear easements [see CMC 15.2.107(3)].
26
- 27 4. For storm water management, the City Engineer needs to complete a review to
28 determine compliance with City Standards. The applicant shall make any needed
29 corrections or alterations (see CMC 15.05.050).
30
- 31 5. The applicant shall provide copies of all applicable utility provider sheets verifying
32 there are adequate services available for the lots from entities deemed appropriate
33 by ordinance and/or by City Staff (see CMC 15.05.060).
34
- 35 6. With regards to the existing "accessory building located in Lot 2, the small
36 subdivision lot split will create an illegality in that there will be accessory buildings or
37 structures on one of the proposed lots without a primary residential use of the
38 property. In order to remedy this illegality, approval of the small subdivision waiver
39 and final plat shall be conditioned upon the applicant and/or property owner
40 complying with the following:
41
 - 42 a. Remove the illegal accessory structures from the property prior to recording
43 the final plat; or
44
 - 45 b. Obtain a building permit for the construction of a primary residential dwelling
46 on the property within 12 months from the date of final plat recording and
47 completing the construction of such primary residential dwelling within 24
48 months from the date of final plat approval.
49
 - 50 c. In the event a building permit for the construction of a primary residential
51 dwelling is not obtained within 12 months from the date of final plat recording,
52 the applicant and/or property owner shall be required to remove the
53 accessory structures within 18 months from the date of final plat recording.
54
 - 55 d. In the event the primary residential dwelling is not completed within the
56 required 24 months from the date of final plat approval, the applicant and/or
57 property owner shall be required to remove the accessory structures within
58 30 months from the date of final plat recording.
59
 - 60 e. In the event the accessory structures are not removed prior to recording of
61 the final plat, the applicant shall be required to place a note on the final plat in
62 a form acceptable to the City describing the illegality of the accessory
63 structures and the condition of removal or construction of a primary
64 residential dwelling on the property as provided in this condition.

- 1 f. In the event the accessory structures are not removed prior to recording of
2 the final plat, the applicant shall be required to post a \$25,000 demolition
3 bond with the City and enter into an agreement with the City for use of the
4 bond in the event of default by the applicant and/or property owner under the
5 terms of this condition.
6 g. In the event the accessory structures are not removed prior to recording of
7 the final plat, the City shall be authorized to record a notice of illegality or
8 nonconformity against the property providing notice of the requirements of
9 this condition.
10 7. Developer shall add a plat note identifying and describing the cross-access
11 easement and referencing the previously recorded cross-access easement by book
12 and page number on the plat; the plat note and/or recorded cross-access easement
13 shall address maintenance obligations of the adjoining property owners for the cross-
14 access easement and the improvements therein.
15

16 Reasons for action:
17

- 18 a. The Planning Commission finds that the subdivision qualifies for the small
19 subdivision waiver, in accordance with the criteria found in CMC 15.02.070 of the
20 Subdivision Ordinance.
21 b. The Planning Commission finds that two lots are consistent with the applicable
22 Zoning Standards for the Residential Low Zone.
23 c. The Planning Commission finds that with the conditions imposed, the general
24 requirements for all subdivisions have been addressed and/or fulfilled, as also
25 outlined in the directives listed.
26

27 **PUBLIC HEARING – ZONE TEXT AMENDMENT – HILLSIDE OVERLAY ZONE – J.**
28 **MIKE HENRIE, APPLICANT**
29

30 Commissioner Kjar disclosed that the Henrie family and the Kjar family were friends, with
31 sons having attended the same high school and been on the same football team. Commissioner
32 Kjar said he believed he could be objective in the situation. Commissioner Moss disclosed that
33 the Newton family (neighbors of the Henriens) were his in-laws, and said he believed he could be
34 objective.
35

36 Mr. Snyder explained the petitioner, Mr. Henrie, desired to amend the zoning text for the
37 Hillside Overlay in belief “there should be a way for those residing in the Hillside Overlay to have
38 the opportunity to increase [the] impervious material on [their] lots up to 60% to match the rest
39 of the lots in Centerville.”
40

41 Mr. Snyder explained existing Hillside Overlay requirements (up to 40% impervious
42 material on a lot). He said the Development Review Committee (DRC) were not comfortable
43 with a blanket 60% allowance in the Hillside Overlay because of the many factors involved. Mr.
44 Snyder presented a tiering system proposed by the DRC:
45

- 46 i. Lots less than 10% slope may increase to 60%
47 ii. Lots 10% to 14% slope may increase to 55%
48 iii. Lots 15% to 19% slope may increase to 50%
49 iv. Lots 20% to 24% slopes may increase to 45%
50 v. Lots 25% to 29% slopes are limited to 40%
51

52 Mr. Snyder said the DRC believed the proposed tiering system would handle drainage
53 issues across the Hillside Overlay. City Engineer Kevin Campbell answered questions from the
54 Commission about lot slope measurement. Mr. Campbell disclosed that he lived in the subject

neighborhood. He explained the reasoning behind the proposed tiering system, and spoke of different retention methods that could be used with the different slopes.

Commissioner Moss asked if staff had seen neighboring cities handle hillside drainage with a graduated, tiered system. Mr. Snyder responded that method and calculation varied from city to city, but all cities addressed storm water management. The Planning Commission and staff discussed retention and detention. Responding to a question from Commissioner Kjar, Ms. Romney suggested an agreement regarding maintenance of storm water facilities could be required. The Planning Commission discussed possible additional language.

Mike Henrie, applicant, said 17 of his neighbors had signed a form indicating support for his proposed amendment to the Hillside Overlay. He added that only one of the 17 had previously heard of the Hillside Overlay. Mr. Henrie expressed the opinion that his property had plenty of space to add a swimming pool and still provide adequate water retention. He said he agreed with staff's proposed tiering system. Mr. Henrie read aloud the following reasoning points included in his petition:

- 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.

Responding to a question from Vice Chair Larsen, Mr. Campbell said geologic hazards (fault lines) may have weighed heavier than slopes in establishing the Hillside Overlay. Mr. Snyder added that the subject neighborhood was developed under the Hillside Overlay in the early 1990s, and answered questions from the Commission. Commissioner Daly suggested the Hillside Overlay did not cover all of the slopes/benching in the City, and suggested perhaps the tiering system should be applied to the entire City.

At 8:48 p.m., Vice Chair Larsen opened a public hearing.

John Stevens, Centerville resident, said he lived adjacent to the Henrie property to the north. He described drainage on his property, and said he had never seen drainage from his property extend past his property. Mr. Stevens expressed support for the proposed amendments.

Frasier Roy, Centerville resident, said he lived in the subject neighborhood. Mr. Roy said the 40% impervious material restriction limited his ability to try to offset the amount of water used on his property for grass.

Vice Chair Larsen closed the public hearing at 8:53 p.m. Mr. Campbell briefly described the drainage review process in place for new development. The Planning Commission discussed proposed language. Commissioner Kjar said he was comfortable with the flexibility in the language drafted by staff.

Commissioner Daly made 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 indicated with red italics in the Staff Report, with the following reasons for action. Commissioner Moss seconded the motion, which passed by unanimous vote (5-0).

Reasons for action:

- a. The Planning Commission finds that the “decision to amend the ... zoning ordinance is a matter within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.B.
- b. The Planning Commission finds the 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.

COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

The Planning Commission was scheduled to meet next on March 22, 2023. Mr. Snyder thanked Commissioner Daly for his time on the Planning Commission. Commissioner Daly’s term on the Planning Commission would be up in May.

MINUTES REVIEW AND APPROVAL

Minutes of the February 22, 2023 Planning Commission meeting were reviewed. Vice Chair Larsen **moved** to approve the minutes. Commissioner Hoth seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 9:02 p.m., Vice Chair Larsen **moved** to adjourn the meeting. Commissioner Daly seconded the motion, which passed by unanimous vote (5-0).

Jennifer Robison, City Recorder

Date Approved