



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON APRIL 10, 2024 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 Site Plan - Hoskin Trucks, 1175 W 500 N, 060100010 - ADMINISTRATIVE DECISION**
The applicant, Greg Day, representing his client Kaden Hoskin, who is the prospective tenant of this property, is seeking approval of a Conceptual Site Plan for the property located at 1175 W 500 N, Parcel no. 060100010.
- 2. PUBLIC HEARING - Zone Map Amendment - 1193 N Main Street (020150125) and 1167 N Main (020150076) - LEGISLATIVE DECISION**
The applicant, Shelby Dushku, is requesting a zone map amendment associated with the subject properties. The property is currently zoned Agricultural-Low (A-L). The applicant is requesting to rezone it to Residential-Low (R-L).

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

- 1. Community Development Director's Report**

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
4/10/2024

Item No. 1.

Title: PUBLIC HEARING - Conceptual Site Plan - Hoskin Trucks, 1175 W 500 N, 060100010 - ADMINISTRATIVE DECISION

Initiated By: Greg Day, Kaden Hoskin, Applicants

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

The applicant, Greg Day, representing his client Kaden Hoskin, who is the prospective tenant of this property, is seeking approval of a Conceptual Site Plan for the property located at 1175 W 500 N, Parcel no. 060100010.

RECOMMENDATION:

ACCEPT CONCEPTUAL PLAN OR TABLE REQUEST

BACKGROUND:

The applicant, Greg Day, representing his client Kaden Hoskin, who is the prospective tenant of this property, is seeking approval of a Conceptual Site Plan for the property located at 1175 W 500 N, Parcel no. 060100010. This is an existing site with a 6,365sqft building, 6' chain link fence, and some existing hard surfacing. The building is considered nonconforming and can remain as is. However, because the occupancy use type is changing and a new certificate of occupancy is required, the site is required to come up to code in landscaping, drainage, parking, etc.

Mr. Day and Mr. Hoskin have submitted their proposed conceptual site plan. City staff have reviewed the site plan to verify compliance with city standards. This report will summarize that review. More details are available in the Landscaping and Screening Staff Review, Off-Street Parking and Loading Staff Review, and Various Items Staff Review reports that are attached to this meeting packet.

ATTACHMENTS:

1. 04-10-2024 PC Staff Report Hoskin Trucks, 1175 W 500 N, 060100010 - Conceptual Site Plan
2. Conceptual Site Plan Application - 02-23-2024
3. Hoskin Trucks Site Plan PC Resubmittal 4-2-2024
4. 04-10-2024 Staff Report - Proposed Landscaping Analysis
5. 04-10-2024 Staff Report - Various Items Analysis
6. 04-10-2024 Staff Report - Proposed Parking Analysis
7. SDSD Utility Provider Sheet
8. Signed Owner Affidavit
9. Hoskin Trucks 1175 W 500 N, 060100010, Site Plan-Conceptual Noticing Matrix

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER:	1175 WEST LLC KEN KNIGHTON 310 S MAIN STREET BOUNTIFUL, UT 84014
APPLICANT:	GREG DAY (greg@huntday.co)
PROPERTY LOCATION:	1175 W 500 N
PARCEL SIZE:	1.88 ACRES
ZONING DISTRICT:	COMMERICAL-VERY HIGH
APPLICATION:	CONCEPTUAL SITE PLAN
STAFF RECOMMENDATION:	ACCEPT CONCEPTUAL PLAN OR TABLE REQUEST

BACKGROUND

The applicant, Greg Day, representing his client Kaden Hoskin, who is the prospective tenant of this property, is seeking approval of a Conceptual Site Plan for the property located at 1175 W 500 N, Parcel no. 060100010. This is an existing site with a 6,365sqft building, 6’ chain link fence, and some existing hard surfacing. The building is considered nonconforming and can remain as is. However, because the occupancy use type is changing and a new certificate of occupancy is required, the site is required to come up to code in landscaping, drainage, parking, etc.

Mr. Day and Mr. Hoskin have submitted their proposed conceptual site plan. City staff have reviewed the site plan to verify compliance with city standards. This report will summarize that review. More details are available in the Landscaping and Screening Staff Review, Off-Street

Parking and Loading Staff Review, and Various Items Staff Review reports that are attached to this meeting packet.

CONCEPTUAL SITE PLAN REVIEW – CZC 12.21.110(d)

City’s General Plan

According to the West Centerville Neighborhood Plan of the General Plan, it is the desire of the City to improve the area west of I-15. The Plan’s first goal is to Enhance the Centerville City Business Park District. It explains, “the goal is primarily to maintain and eventually upgrade the conditions and appearance of the buildings and yard areas, while being sensitive to the needs of existing business and property owners” (12-480-6). The neighborhood plan continues to declare, “preserving the economic viability of a now aging development area is critical to the success of the neighborhood” (12-480-6).

It is the opinion of staff that the proposed conceptual site plan meets the intent of the General Plan. The proposal includes upgrading the conditions and appearance of an aging site. Also, this site is currently vacant. A new business relocating to Centerville assists in preserving the economic viability of this neighborhood.

Table of Uses – CZC 12.36

The proposed use of this site is vehicle rental or sale, used, limited. In the Commercial-Very High Zone this use requires a conditional use permit. A conditional use permit will be required to be obtained either with the final site plan approval or after final site plan approval has been granted. A business license for this use cannot be issued until a conditional use permit has been approved.

Off-Street Parking and Loading – CZC 12.52

This application complies with the parking location and parking space dimension requirements listed in the city ordinance. However, the proposed driveway exceeds the maximum allowed width, and the number of parking spaces does not meet the minimum requirement. It is unknown currently if the application complies with handicap parking space requirements and parking lot lighting standards. More information than what is included in this proposal is required to determine compliance. *See Off-Street Parking and Loading Staff Review report dated 04-10-2024.*

Landscaping and Screening – CZC 12.51

The proposed plan is compliant with the total landscaping minimum percentage of 10%, as it depicts 17.6%. This plan also does not propose any outdoor storage, so those

screening standards would not be applied. The plan currently only depicts one internal landscaped island, more are required. However, it is currently unknown whether the site conforms to all other landscaping requirements. A landscaping plan prepared by a landscape architect will be required before final site plan approval is considered. See *Landscaping and Screening Staff Review report dated 04-10-2024*.

Engineering, Public Works, Utility, Etc.

Compliance with other standards including easements, streetlights, sidewalks, fire hydrants, and drainage remain unknown. Staff members are currently reviewing the location of the proposed drainage. However, no information or inaccurate information has been provided for streetlights, sidewalks, and fire hydrants. This information will need to be provided and accepted by applicable departments before the final site plan is considered by the Planning Commission. Letters from applicable utility providers will be required with a final site plan application. See *Various Items Staff Review report dated 04-10-2024*.

SAMPLE MOTIONS

Based on the information provided by the Community Development Department and following the discussion among the Planning Commission, the Commission may make a motion to accept the conceptual site plan, accept with conditions, table the request, or deny the request. With any of these decisions appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

#1 – ACCEPT

"I hereby make a motion for the Planning Commission to ACCEPT the Conceptual Site Plan for the Hoskin Truck project located at 1175 West 500 North, parcel number 060100010, with the following directives:

- 1. A final site plan shall be submitted as outlined in CZC 12.21.110(e).*
- 2. The final site plan shall provide a complete landscaping plan, designed by a landscape architect.*
- 3. The landscaping plan shall include and/or address all items listed in the Landscaping and Screening Staff Review report dated 04-10-2024 and the applicable standards listed under CZC 12.51.*
- 4. The final site plan shall include the correct total number of parking spaces (31 total) and address all items listed in the Off-Street Parking and Loading Staff Review report dated 04-10-2024.*
- 5. The final site plan shall include and/or address all items listed in the Various Items Staff Review report dated 04-10-2024.*

6. *In conjunction with the Final Site Plan submittal, a Conditional Use Permit Application shall be submitted for the proposed use of vehicle rental or sale, used, limited.*

Suggested Reasons for the Action (Findings)

- a. *The Conceptual Site Plan appears to be consistent with the applicable section of the General Plan, Part 12-480-6 West Centerville Neighborhood Plan.*
- b. *The Conceptual Site Plan, with modifications, could likely comply with the expected development standards described in CZC 12.34, CZC 12.52, CZC 12.51, and other applicable city ordinances.*
- c. *Therefore, the Planning Commission finds that the acceptance of this Conceptual Site Plan for the proposed development is warranted.”*

#2 – TABLE

“I hereby make a motion for the Planning Commission to TABLE the request for a Conceptual Site Plan for the Hoskin Truck project located at 1175 West 500 North, parcel number 060100010, until such a time as the noncompliant and/or incomplete items identified by staff have been rectified and/or provided.”

#3 – DENY

I hereby make a motion for the Planning Commission to DENY the request for a Conceptual Site Plan for the Hoskin Truck project located at 1175 West 500 North, parcel number 060100010. With the following reasons for action (findings):

(findings discussed and agreed upon by the Planning Commission)

Hoskin Trucks

Permit/License #

5210149

02/23/2024 - 02/22/2025

Reference Number

Site Plan, Conceptual

fb33a550-d295-11ee-aa73-3d33948aa33e

General

Status

Active

Application Status

New

Application Review Status

Pre-Review

Reviewing

Date Submitted

Final-Review

Not Reviewed

02/23/2024

Fees

Payments

Conceptual Site Plan Fee	\$250.00	02/23/2024	Online	\$500.00
Professional Services Deposit	\$250.00	Total Paid		\$500.00
Subtotal	\$500.00			
Amount Paid	\$500.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Applicant/Agent First Name

Greg

Applicant Last Name

Day

Contact Email

greg@huntday.co

Phone

(801) 814-1778

Company Name

Hunt Day

Mailing Address (Street)

3445 Antelope Drive Suite 200

City

Syracuse

State

UT

Zip

84075

Property Owner Name

Ken Knighton

Mailing Address

310 S Main St, Bountiful, UT, 84010-6238

Email

Kennyknighton@hotmail.com

Phone Number

(801) 201-6500

Please upload a notarized signature of the primary property owner. Print Notary form here:

<https://centervilleutah.gov/DocumentCenter/View/127/Affidavit-Form-PDF>

 **affadavit.pdf**

Does this property have additional owners?

No

Project Name

Hoskin Trucks

Parcel #(s)

060100010

Acreage

1.88

Select your zone below

Commercial-Very High

Proposed use of property

Truck dealership

Project Address (Street)

1175 W 500 NORTH

City

Centerville

State

UT

Zip

84014

Please upload Site Plan

 Initial Submittal Memo.pdf

 Utility Provider Review Sheet_Hoskin Truck Dealership_1175 W 500 N Cent.pdf

 HOSKINS.20231214-V3-Conceptual Site Plan.pdf

I have shown the location, height and setbacks of all proposed and existing buildings and structures on the subject property and on immediately adjoining properties.



I have indicated the total square footage of the proposed building by floor if more than one floor is proposed.



I have shown the location and height of existing walls and fences on the site, including designation of the type of material.



I have provided a statement of the proposed use of the site and buildings shown.



I have shown the general design of ingress and egress of vehicular and pedestrian traffic that provides a functional on-site traffic flow.



I have included the dimensions, total square footage and orientation of the lot and/or site proposed for development, landscaping location, parking lot location and other general site improvements and proposals.



I have shown the location, name and width of existing and proposed streets and sidewalks.



I have provided general information regarding availability and location of existing and proposed utilities.



I have included a "north arrow" and drawing scale.



I have provided a list of the current owners of property adjacent to the site, as indicated by the Davis County Recorder's Office and a vicinity map showing the site location in relation to the surrounding area.



Provide a development schedule indicating the approximate date when construction of the development or its stages can be expected to begin and be completed.

As soon as possible given approvals and weather

Provide a full legal description with a copy of the Warranty Deed or the Deed of Trust.

 **Warranty Deed.pdf**

I have provided Utility Provider Review Sheets



Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Electronically Signed

Gregory Day - 02/23/2024 2:53 pm



HUNT · DAY
3445 Antelope Drive, St 200
Syracuse, UT 84075
PH: 801.664.4724
EM: Thomas@HuntDay.co

PROJECT TITLE
HOSKINS TRUCKS
1175 W 500 NORTH
CENTERVILLE CITY, DAVIS COUNTY, UT
LOCATED IN THE SECTION 12, TOWNSHIP 2 NORTH RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN

REV.	DATE	DESCRIPTION	BY
0	03-31-23	INITIAL SUBMITTAL TO CITY	TP

SEAL

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1' 1'
IF NOT ONE INCH ON THIS SHEET, ADJUST
SCALES ACCORDINGLY

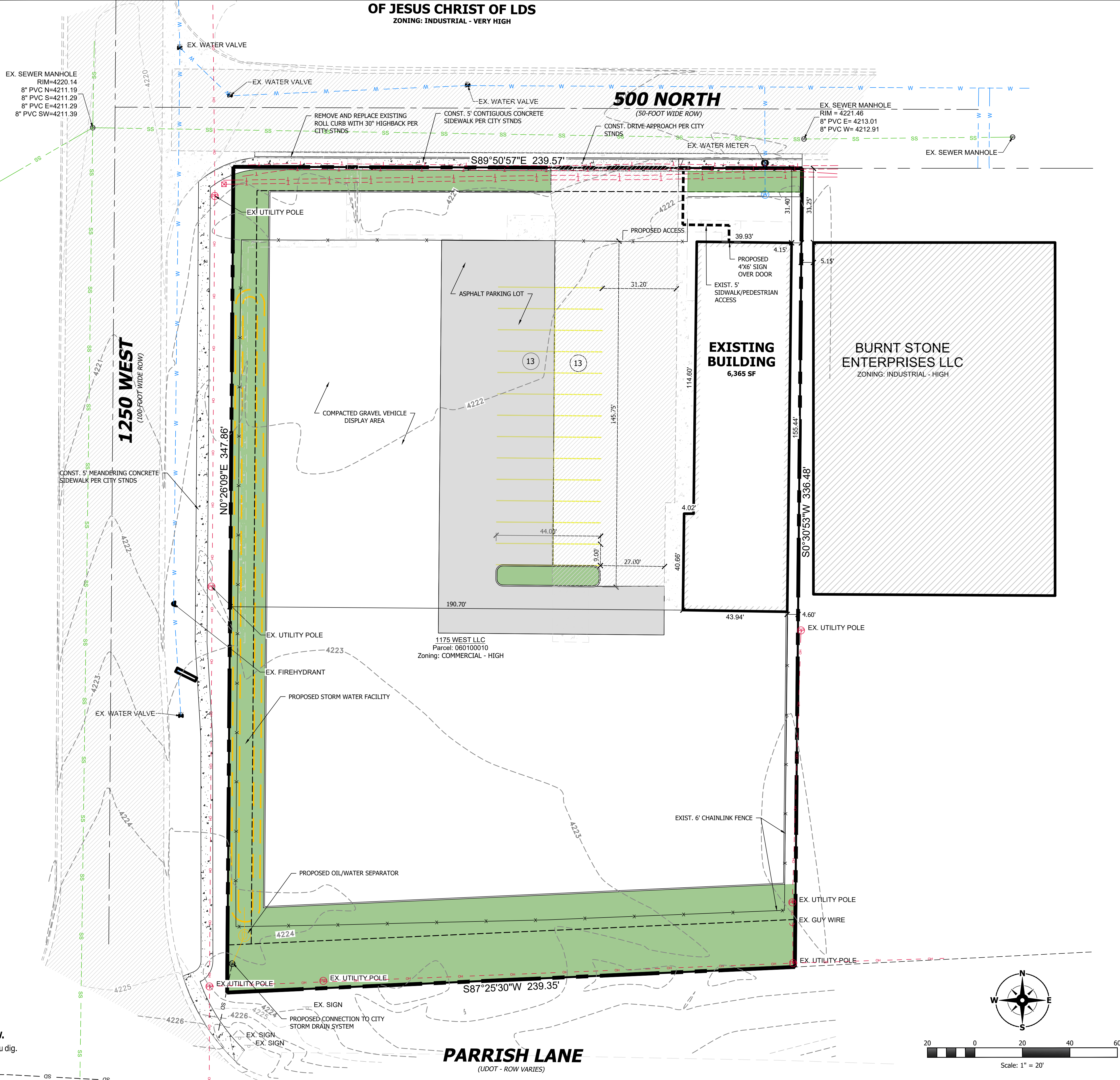
PROJECT INFO.	
Engineer:	GBD
Drawn:	GBD
Date:	12 / 18/ 2023
Proj. No.	102 - 08
SHEET TITLE	

**Proposed
Site Plan**

SHEET NO.

C200

OF JESUS CHRIST OF LDS
ZONING: INDUSTRIAL - VERY HIGH



APPLICANT INFOMATION

KADEN HOSKINS
HOSKINS TRUCKS
PH: 801-529-7414
EMAIL: KADEN3232@GMAIL.COM

DEED DESCRIPTION

ALL OF LOT 10, SPORTS SALES PLAZA, A SUBDIVISION OF PART OF
SECTION 12, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND
MERIDIAN, IN THE CITY OF CENTERVILLE, ACCORDING TO THE OFFICIAL
PLAT THEREOF.

PARCEL ID

060100010

DEVELOPMENT TIMELINE

WINTER/SPRING 2024

Legend

	= EXISTING ASPHALT
	= EXISTING CONCRETE
	= EXISTING GRAVEL/ROADBASE
	= LANDSCAPING
	= NEW ASPHALT

Site Data

LOCATION:	CENTERVILLE CITY, DAVIS COUNTY, UTAH
ZONING:	COMMERCIAL - HIGH
LAND USE:	TRUCK DEALERSHIP
PROPERTY SIZE:	81,863 SF / 1.88 AC
BUILDING FOOTPRINT:	6,365 SF (7.7%)
LANDSCAPE AREA:	14,422 SF (17.6%)
CONSTR. TYPE:	V-B
BUILDING HEIGHT:	19' (APPROXIMATELY)
PARKING:	1 STALL / 250 SF 6,365 SF / 250 SF = 26 STALLS REQUIRED 26 STALLS PROVIDED INCLUDING 1 ADA + 1 VAN ADA

Notice To Contractors

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON
THESE PLANS WERE OBTAINED FROM AVAILABLE INFORMATION PROVIDED BY THE SURVEYOR OR
CITY PRODUCED DOCUMENTS. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE
CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE
MADE. IF ANY CONFLICT/DISCREPANCIES ARISE, PLEASE CONTACT THE ENGINEER OF RECORD
IMMEDIATELY. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE
PRECAUTIONARY MEASURES TO PROTECT ANY UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS.



Know what's below.
Call before you dig.



CENTERVILLE CITY

COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West • Centerville, Utah 84014 • (801) 292-8232 • Fax: (801) 292-8251

Landscaping And Screening Staff Review (Per CZC 12.51) Hoskin Trucks Conceptual Site Plan Application

Standard	Requirement	Depicted	Compliance
Live Plant Material	50% of perimeter and internal landscaping needs to be live plant materials.	Not Depicted	UNKNOWN
Number of Trees	1 tree for every 500 square feet of landscaped area.	Not Depicted	UNKNOWN
Foundation Landscaping	50% of the building frontage shall be landscaped. (<i>Minimum width of landscaped area = 3'</i>)	Not Depicted	UNKNOWN
Total Landscaping	10% for non-residential development located west of I-15	17.6% (14,422sqft)	YES
Parking Lot Island Areas	At least 7% of the total parking lot area. For every 6 required parking spaces, 1 tree & 2 shrubs shall be provided within each internal parking island area.	Not Depicted	UNKNOWN
Internal Landscaped Island Dimensions	Shall have minimum dimensions of 25'x5'.	Not Depicted	UNKNOWN
Internal Landscaped Island Locations	Located in the following priority: • To define major drives and access ways • To delineate ends of parking rows • At aisle intersections • Withing parking rows	Only one island is depicted	NO
Public Street and Parkstrip Landscaping	Along 1250 West – 15' from the back of curb Along 500 N – 10' from the back of curb	Not Depicted	UNKNOWN
Trees Along Frontage	1 tree for every 25' of public street frontage (500 N – 239.57', 1250 W – 347.86') = 23.5 = 24 Total Trees	Not Depicted	UNKNOWN

Irrigation Plan	Per <i>CZC 12.51.100</i> an irrigation plan is required.	Not provided	NO
Screening for Trash Receptacles	Wall or fence 6' in height Completely visually screened Compatible in material & color with the main building	Not Depicted	UNKNOWN
Screening for Outdoor Storage	Screened from view by an opaque fence or wall	No outdoor storage is being proposed	YES



CENTERVILLE CITY

COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West • Centerville, Utah 84014 • (801) 292-8232 • Fax: (801) 292-8251

Various Items Staff Review Hoskin Trucks Conceptual Site Plan Application

Standard	Requirement	Depicted	Compliance
Signs	Wall signs must comply with <i>CZC 12.54.110(b)(1)</i> . A separate permit is required.	4'x6' wall sign	LIKELY
Easements	All easements of record need to be shown on the site plan.	Not Depicted	NO
Fences/Walls	An existing 6' fence surrounds the property. Any new fencing will need to meet the standards outlined in <i>CZC 12.55.110</i> .	Depicted	YES
Street Requirements: Streetlights	Per <i>CZC 15.05.030</i> , streetlights shall be installed at all street intersections, school or pedestrian crossings, or at bends or curves in the street.	Not Depicted	NO
Street Requirements: Sidewalk	See Sheet 5 of the City's Details and Drawing packet.	5' concrete sidewalk	NO
Water Requirements	A fire hydrant will need to be installed along 500 North. (Required every 400').	Not Depicted	NO
Drainage Requirements	An oil/water separator is required.	Depicted	UNDER REVIEW
Other Comments	This property is located within the Legacy Crossing CDA. Development should follow any CDA area directives, where applicable.	Not Depicted	WORK WITH STAFF



CENTERVILLE CITY

COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West • Centerville, Utah 84014 • (801) 292-8232 • Fax: (801) 292-8251

Off-Street Parking and Loading Staff Review (Per CZC 12.52) Hoskin Trucks Conceptual Site Plan Application

Standard	Requirement	Depicted	Compliance
Parking Location	Within 300' of building served	Approximately 31.20'	YES
Parking Space Dimensions	Standard: 9'x18'	9'x22'	YES
Handicapped Parking Space	Standard Size, plus 4' unloading area parallel to space	Not depicted	UNKNOWN
Driveway Dimensions	Driveway width shall not exceed 35'	Approximately 53.2'	NO
Parking Lot Landscaping	See Staff Landscaping Review		
Parking Lot Lighting	See CZC 12.52.040(g) and CZC 12.52.100(i)	Not depicted	UNKNOWN
Parking Lot Paving	Paved with asphalt, concrete, or some other all weather surfacing material. Maintained to eliminate dust or mud and graded and drained to dispose of all surface water.	The proposed parking lot area includes existing and new asphalt.	LIKELY
Number of Spaces	Vehicle and equipment rental or sale: 1 space per 250sqft or gross floor area, plus 1 space for every 10 vehicles displayed (applicant has indicated up to 50 at one time) = 31 Total	26 Total	NO
Drive Aisle Width	25'	East: 27' West: Not Depicted	LIKELY



Centerville City

Community Development Department
655 North 1250 West, Centerville, UT 84014
Phone: 801.292.8232
dwilkinson@centervilleut.com

UTILITY PROVIDER REVIEW SHEET

We have recommended that utility providers review and comment on development proposals in Centerville City. **Please review the submitted plan(s), answer the questions below, and email to dwilkinson@centervilleut.com**

Project	Hoskin Truck Dealership (parcel number 060100010)		
Project Address	1175 W 500 NORTH		
Applicant	Greg Day		
Applicant Email	greg@huntday.co		
Applicant Phone	801-814-1778		
Reviewed By	Lanese Hendrickson	Title	Assistant General Manager
Email	lhendrickson@sdsd.us	Phone	801-295-3469
Agency/Utility Co.	South Davis Sewer District	Date	2/23/2024

Question 1

- We can provide service for this project? ☒ Y or N
- We will require additional and/or different configuration of easements? Y or ☒ N
If yes, please detail on the plan(s)

Question 2

- Any special onsite or offsite requirements for this project? Y or ☒ N
List here:

Question 3

- Are there fees required from the developer before utility company improvements can be installed? Y or ☒ N

Additional comments regarding this project that the City may need to know:

Please see attached.

Questions regarding this form, contact Community Development Department 801.292.8232;
Mike Carlson, Public Works 801.677.6093 or Kevin Campbell, City Engineer 801.263.1752

THANK YOU!

UTILITY PROVIDER REVIEW SHEET

Attachment

The existing building on the property at 1175 West 500 North in Centerville (Subject Property) is already connected to the sanitary sewer and the billing account on the property is current. There are currently no known or anticipated sanitary sewer improvements for this project. The District will complete a plumbing fixture unit walkthrough in the coming weeks to bring its records current.



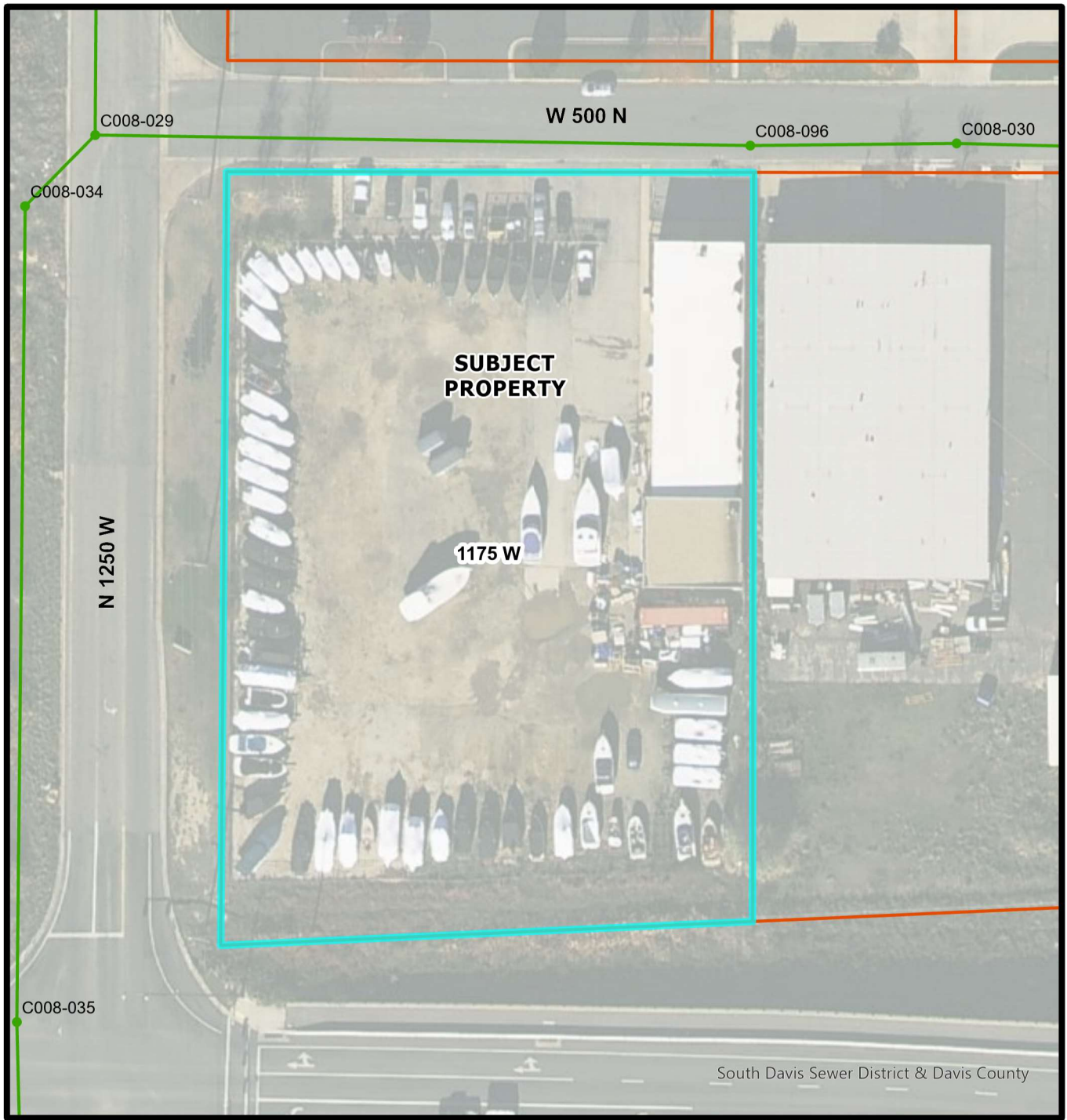
Lanese B. Hendrickson, PE

Assistant General Manager

South Davis Sewer District

801.295.3469 (Office)

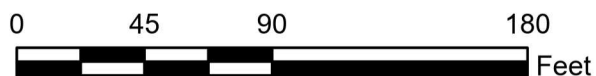
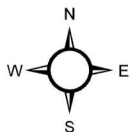
801.815.0590 (Cell)



SOUTH DAVIS SEWER DISTRICT

For Information Purposes Only

All Depth and Location Information to be Field-Verified



LEGEND	
MH	GRAVITY MAINS
● STANDARD	— STANDARD

AFFIDAVIT

PROPERTY OWNER

STATE OF _____ }
COUNTY OF _____ }ss
}

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 _____

AGENT AUTHORIZATION

I (we), Ken Knighton, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Greg Day & Kayden Hoskins 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.

Ken Knighton
(Property Owner)

(Property Owner)

Dated this 29th day of February, 2024, personally appeared before me Ken Knighton, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

Whitney Black
(Notary Public)

Residing in Weber, Utah

My Commission Expires 01/29/2026



Conceptual Site Plan Noticing Matrix

CZC 12.21.050(c)

Updated June 2021

Include: statement summarizing substance of application

Date, time, and place of public hearing

The place where the application may be inspected by the public or the person to contact for further information

Notice of First Public Hearing

		Date Posted
10 days	Utah Public Notice Website	3/29/2024 @ 1:20pm
10 days	City website	3/29/2024 @ 1:22pm
10 days	on site notice	3/29/2024
3 business days	Applicant notice with staff report	4/5/2024

CENTERVILLE CITY

CONCEPTUAL SITE PLAN NOTICE OF PUBLIC HEARING

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **April 10, 2024, at 7:00pm**, or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Conceptual Site Plan** for **Hoskin Trucks** on property located at **approximately 1175 W 500 N, parcel number 060100010**. If you have questions regarding this matter or would like further information, contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

Whittney Black
Assistant City Planner

**PLANNING
COMMISSION**

Staff Report
4/10/2024

Item No. 2.

Title: PUBLIC HEARING - Zone Map Amendment - 1193 N Main Street (020150125) and 1167 N Main (020150076) - LEGISLATIVE DECISION

Initiated By: Shelby Dushku, Applicant

Staff Representative: Mike Eggett, Community Development Director

SUBJECT:

The applicant, Shelby Dushku, is requesting a zone map amendment associated with the subject properties. The property is currently zoned Agricultural-Low (A-L). The applicant is requesting to rezone it to Residential-Low (R-L).

RECOMMENDATION:

RECOMMEND REZONE APPROVAL TO THE CITY COUNCIL

BACKGROUND:

The applicant, Shelby Dushku, is requesting a zone map amendment associated with the subject properties. The property is currently zoned Agricultural-Low (A-L). The applicant is requesting to rezone it to Residential-Low (R-L). There currently is a single-family home located on the 1167 North property and a single-family home located on the 1193 North property. There are also a few accessory buildings located on the 1193 North property.

ATTACHMENTS:

1. 04-10-2022 PC Staff Report Shire Estates Rezone, Dushku Applicant
2. Application Submittal
3. Applicant Narrative
4. Rezone Exhibit -Applicant
5. Topo Survey
6. 1193 & 1167 N MAIN - Zone Map Amendment Noticing Matrix
7. Property Owner Affidavit - DUSHKU
8. Property Owner Affidavit - STEVENS

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

**STAFF REPORT
AGENDA: ITEM 2**

PROPERTY OWNER:	FOR PARCEL 02-015-0125 GREGORY GLENN OMAN - TRUSTEE 1166 NORTH ALICE LANE FARMINGTON, UT 84025
	FOR PARCEL 02-015-0076 JEFFREY MICHAEL & JOANN STEVENS 1167 NORTH MAIN STREET CENTERVILLE, UT 84014
APPLICANT:	SHELBY DUSHKU 5711 STEVEN CREEK WAY AUSTIN, TX 78721 208-850-5217 shelby.dushku@gmail.com
PROPERTY LOCATION:	1167 North Main Street and 1193 North Main Street
PARCEL NUMBER(S):	02-015-0076, 02-015-0125
PARCEL SIZE:	1.31 ACRES and 2.03 ACRES; TOTAL 3.34 ACRES
CURRENT ZONE:	AGRICULTURAL-LOW (A-L)
APPLICATION:	ZONE MAP AMENDMENT, REZONE FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL- LOW (R-L)
RECOMMENDATION:	RECOMMEND REZONE APPROVAL TO THE CITY COUNCIL

BACKGROUND

The applicant, Shelby Dushku, is requesting a zone map amendment associated with the subject properties. The property is currently zoned Agricultural-Low (A-L). The applicant is requesting to rezone it to Residential-Low (R-L). There currently is a single-family home located on the 1167 North property and a single-family home located on the 1193 North property. There are also a few accessory buildings located on the 1193 North property.

CODE REQUIREMENTS REVIEW & ANALYSIS

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

- **Staff Response:** Yes. The two parcels in question are located within the Neighborhood 4, Northwest described in *CMC 12-480-5*. The first goal of this section is to establish appropriate land-use patterns and land-use transitions. Two additional competing goals are to preserve semi-rural areas for current property owners and to preserve viability of the area for potential future development.

The properties located to the north, east, and west are currently zoned R-L and have single-family homes located on these properties. Property located to the south is an elementary school. Therefore, consideration of the proposed rezone would be in alignment with land-use patterns previously established in Neighborhood 4 of the General Plan.

The primary use in the area and the current use of the property is single-family residences. The General Plan describes a qualifying true rural residential property as a minimum of 5 acres per dwelling. The plan also discourages developing one acre lots “because [they are] too small for true agricultural, too big for purely residential purposes, and too small to subdivide...” In addition, the current zoning code requires a maximum gross density of 2 units per acre in the current zone. See *CZC 12.31.300*.

Lastly, according to the General Plan, low density is inclusive of both A-L and R-L zoning districts. See *CMC 12-420-2*.

Based on this information Staff believes that the proposed zoning map amendment is consistent with the goals and objectives of the General Plan.



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

- **Staff Response:** Yes. The subject property is surrounded by mostly single-family homes. The proposed zoning amendment would not change the single-family or low-density character of the area.

In the past there has been a concern about creating zoning islands. Staff believes the current application does not create a zoning island. In fact, this zoning amendment proposal would remove an existing zoning island of A-L with a great deal of R-L zoning located on three sides of the site. As noted earlier, the subject property is surrounded by the R-L zone to the North, East, and West.

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

- **Staff Response:** Staff believes the proposed amendment would have minimal adverse effects, if any, on adjacent properties. Most of the surrounding properties are in the proposed zone and the primary use of the area would not change.

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

- **Staff Response:** Service facilities and services are generally all available in the area due to existing residential development.

POTENTIAL MOTIONS

Based on the information provided by the Planning Staff and following discussion among the Planning Commission, the Commission may make a motion to recommend to the City Council approval of this request, approval with modifications per the discussion, table the matter to a later date, or recommend denial of the proposed rezone request. The Commission should provide appropriate findings of facts for any presented decision. Sample motions for the Planning Commission's convenience are located below.

#1 – APPROVE

“I hereby make a motion for the Planning Commission to recommend City Council APPROVAL of the Zoning Map Amendment for the property located at 1167 North Main Street and 1193 North Main Street, known as Parcels 02-015-0076 and 02-015-0125, from the Agricultural-Low (A-L) zoning to Residential-Low (R-L) zoning, with the following reasons for action (findings):

- 1. The proposed Zoning Map Amendment meets the goals and objectives of the General Plan concerning Neighborhood 4 [CMC 12-480-5].*
- 2. The proposed amendment is deemed consistent or adequate with the review requirements listed in CZC 12.21.080(e), as reviewed in the applicable Staff Report.”*

#2 – TABLE

“I hereby make a motion for the Planning Commission to TABLE the request for a Rezone Application from A-L Zoning to R-L Zoning, as requested by Shelby Dushku for property located at 1167 North Main Street and 1193 North Main Street until such a time as _____.”

3 – DENY

“I hereby make a motion for the Planning Commission to recommend City Council DENIAL of the Zoning Map Amendment for the property located at 1167 North Main Street and 1193 North Main Street, known as Parcels 02-015-0076 and 02-015-0125, from the Agricultural-Low (A-L) zoning to Residential-Low (R-L) zoning, with the following reasons for action (findings):

(findings discussed and agreed upon by the Planning Commission)”

Under Review

Application Review Status

Pre-Review	Approved	10/19/2023
Legal	Not Reviewed	
Planning Commission	Not Reviewed	
City Council	Not Reviewed	
Public Works	Not Reviewed	
Planning & Zoning	Not Reviewed	
Final-Review	Not Reviewed	

Fees

Application Fee	\$400.00
Professional Services Fee	\$250.00
Subtotal	\$650.00
Amount Paid	\$650.00
Total Due	\$0.00

Payments

11/23/2023	Online	\$650.00
Total Paid		\$650.00

Application Form Data

(Empty fields are not included)

I have read and agree to comply with the information above



Address of Subject Property
1193 NORTH MAIN STREET, CENTERVILLE, UT 84014

Existing Zoning District

Agricultural-Low (A-L)

Proposed Zoning District

Residential-Low (R-L)

Parcel ID of Subject Property

02-015-0125, 020150076

Zoning Map Amendment Petition Narrative

 **TSE Rezone Application.pdf**

Zoning Map Amendment Petition Submittal Information

 **S WALKER REZONE TOPO SURVEY 2145001_2023-09-11 SIGNED (1).pdf**

 **S WALKER REZONE EXHIBIT SURVEY 2145001_2023-09-19 (1).pdf**

Applicant's First Name

Shelby

Applicant's Last Name

Dushku

Applicant's Email

shelby.dushku@gmail.com

Phone

(208) 850-5217

Address

5711 Steven Creek Way

City

Austin

State

TX

Zip Code

78721

Are you the owner of the property in the request to be rezoned?

YES

Upload a signed and notarized Owner Affidavit Form

 **231019_Dushku Affidavit.jpg**

Project Title

The Shire Estates

Project Parcel Number

02-015-0125, 02-015-0076

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Shelby Dushku - 10/19/2023 8:18 pm

Messages

We have received notice of your fee payment. We will have staff review your petition and begin the process of scheduling meetings. Please note that due to the holidays there are no available meetings for December. Thus, you will be looking after the new year begins before your application will be scheduled for City reviews. Enjoy the holidays!

Shelby, I've reviewed your application. Although you've technically submitted everything that is required at this point, staff needs some clarification on some things. Please see the attached report and send any responses through this message board. You can schedule a DRC for this application or you can wait to schedule a DRC meeting for this application and your subdivision application at the same time. If you have any questions in the meantime let me know.

 10-27-2023 The Shire Estates Zone Map Amendment App.pdf

Comments:

Shelby, just following up on my last message sent on October 27th. You currently have a complete application and can schedule a DRC meeting to discuss it with staff when you're ready. DRC meetings are scheduled on Monday mornings (if Monday is a holiday then on Tuesdays). Contact staff for availability. Your subdivision application is still considered incomplete and cannot be discussed at a DRC until everything has been submitted.

Whitney, thanks for getting back to me. Can we discuss both applications in the same DRC meeting once we've completed the other application?

Shelby, we need to make you aware of some changes to your applications. Due to State mandates as of February 1, 2024 we will no longer be requiring a conceptual subdivision application for single-family developments. Due to these state mandates and because your application is incomplete your current Conceptual Subdivision Application cannot be processed. To move forward with your application you will need to submit a preliminary subdivision application. We are working on creating a checklist, flowchart, and online application to explain this new process and should have that information available soon. Due to these mandates and staffing changes we are also changing how we conduct DRC meetings. If you would like to proceed solely with your Zoning Map Amendment application please address in writing and as much detail as possible the concerns listed in the October 27, 2023 Completeness Review. Staff will then discuss your application internally and get back to you with our comments. If you would like to wait to move forward until your preliminary subdivision application is complete that will be fine. We apologize for this shift in the process, but we are obligated to make these state mandated changes.

Responding here with the answers to the concerns in the October 27th completeness review.

1) I will send proof of ownership later today.

2) If both parcels (02-015-0215 and 02-015-0076) are required to be rezoned in or for the subdivision/PDO approval, then we would like to also include 02-015-0076 on the rezone petition. If a rezone is not required for both parcels, then we are happy to only include 02-015-0215. Our engineering team told us both would have to be rezoned, so assuming that is true, we can go ahead and include both parcels on the rezone petition. Thoughts?

And here is the proof of ownership.

 Proof of Ownership - Shire Estates.pdf

Thanks for providing this proof of ownership.

For the rezone it is entirely up to you what you want to include in your petition. I'm not sure the Planning Commission and City Council would be in favor of approving a subdivision that is not uniform in zoning, but you can ask them if you want to. If they deny your request for two different zones you will need to submit a new application/fees for a rezone request for one zone. If they table your request you can amend your application for one zone. Let us know what you would like to include in your application and we will process it. Once we get clarification on your request we can schedule your request for the next available Planning Commission meeting. They will then make a recommendation to the City Council to approve or deny your request. The Planning Commission may also choose to table your request. Let us know what you decide.

Thanks! Let's plan to include both parcels in the rezone. That was our initial plan anyway.

Let me know when is best to schedule for the next available Planning Commission meeting. Thank you.

I'll amend your application to include both parcels. I'll let you know next week what the soonest Planning Commission meeting we can get your application on. It will most likely be April 10th or April 24th. I'll let you know for sure next week.

Thank you!

Hey Whittney, any updates here?

Yes, we have scheduled your application to go before the Planning Commission on April 10th at 7:00pm. The Friday before the meeting we will send over a link to the agenda and packet materials, including the staff report on your application.

I'm preparing to notice the public hearing for this application and I realized that we don't have an owner affidavit for the 02-015-0076 property owned by Jeffrey and Joann Stevens giving

you permission to represent the property owners and make a request for their property. I'm afraid that we'll have to have that before we can get this on an agenda. Do you think you could get that to me by next Wednesday? If so, we can keep this on the April 10th meeting. If not, we'll have to push it to the April 24th meeting or later. Let me know what you think your timeline will be. Thanks!

I just wanted to let you know that we've finished noticing the public hearing for this application. This included posted a sign on the property. Please be advised that if we do not have the owner affidavit from the other property owner by next Wednesday April 3rd, we may pull the item from the April 10th agenda and reschedule the public hearing. As soon as you hear anything from that property owner let me know. Thanks and have a great weekend.

Thanks for the info! We connected with the other owners and will have the affidavit before Wednesday.

Sounds good! Thanks for keeping me updated.

Planning and Zoning has received your request. A staff person will review it shortly to ensure it is complete, including payment of fees. This person will contact you when they have completed their review.

Comments:

Hi, I've paid the fees associated with this request. I have also attached a screen shot of the surrounding area of our lot. As you can see, the vast majority of the surrounding areas are R-L while ours remains A-L. We hope this add validity to our petition to have our property rezoned and demonstrates that the city's desired outcome is aligned with ours.

October 19, 2023

shelby.dushku@gmail.com; adushku@gmail.com; shaquillewalker0624@gmail.com

Re: The Shire Estates Rezone Application

Dear Planning Commissioners,

We are writing to request an amendment to the zoning code on parcel ID #02-015-0125 and to express reasons to support the request. The parcel is currently zoned as Agricultural-Low (A-L) and we are proposing it be rezoned as Residential-Low (R-L). This would enable us to develop the land and build our “forever homes” on the lot.

Here are a few reasons why we believe the rezone is in the best interests of the city:

1. **Consistency with Surrounding Zones:** Rezoning the parcel to Residential-Low (R-L) would align with the zoning of many of the properties in the vicinity. We believe this creates a more consistent and/or harmonious development pattern in the area. It would help to mitigate any potential conflicts between differing land uses and establish a cohesive area feel.
2. **Highest and Best Use:** The parcel has not been actively used for agricultural purposes for quite some time. By rezoning the land, it would allow for its "highest and best use," thereby maximizing its utility and potential value to the community (i.e., underutilized plots can be viewed as unattractive to neighbors). Transitioning this lot to residential use will allow the land to be more easily utilized and maintained.
3. **Aesthetic Improvement:** We plan to construct residences that will not only bring greater beauty to the parcel itself but also elevate the overall charm and visual attractiveness of the surrounding area. Beautiful homes have the potential to uplift an area’s attractiveness and can contribute to increased property values for neighboring parcels.

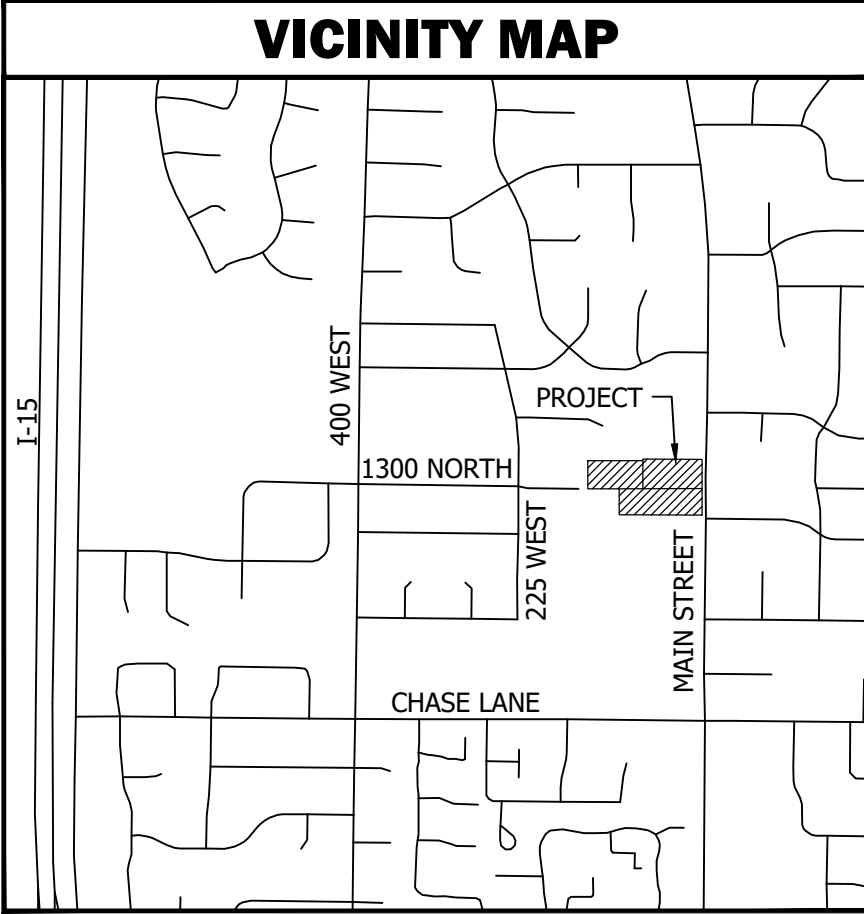
In conclusion, we believe that rezoning this lot from Agricultural-Low (A-L) to Residential-Low (R-L) is a forward-looking decision that aligns with the city's interest in promoting optimal land use, neighborhood consistency, and community beautification. We respectfully request your consideration of our application and look forward to the opportunity to contribute positively to our beloved community.

Thank you for your time and consideration.

Warm regards,

Shelby Dushku, Alexander Dushku, & Shaq Walker

LEGEND	
PROPERTY LINE	_____
ADJACENT PROPERTY	_____
ROAD CENTERLINE	_____
SECTION LINE	_____
TIE TO MONUMENT	_____
EASEMENT LINE	_____
EDGE OF PAVEMENT	_____
CURB, GUTTER, SIDEWALK	_____
CHAIN LINK FENCE LINE	- - - - -
WOOD/VINYL FENCE LINE	- - - - -
IRON FENCE LINE	- - - - -
CONCRETE/BLOCK WALL	_____
ROCK WALL	_____
RECORD-OF-SURVEY (S7609)	
(FILE S7609, DAVIS COUNTY SURVEYOR)	
RECORD CALLS ()	



RECORD DESCRIPTIONS

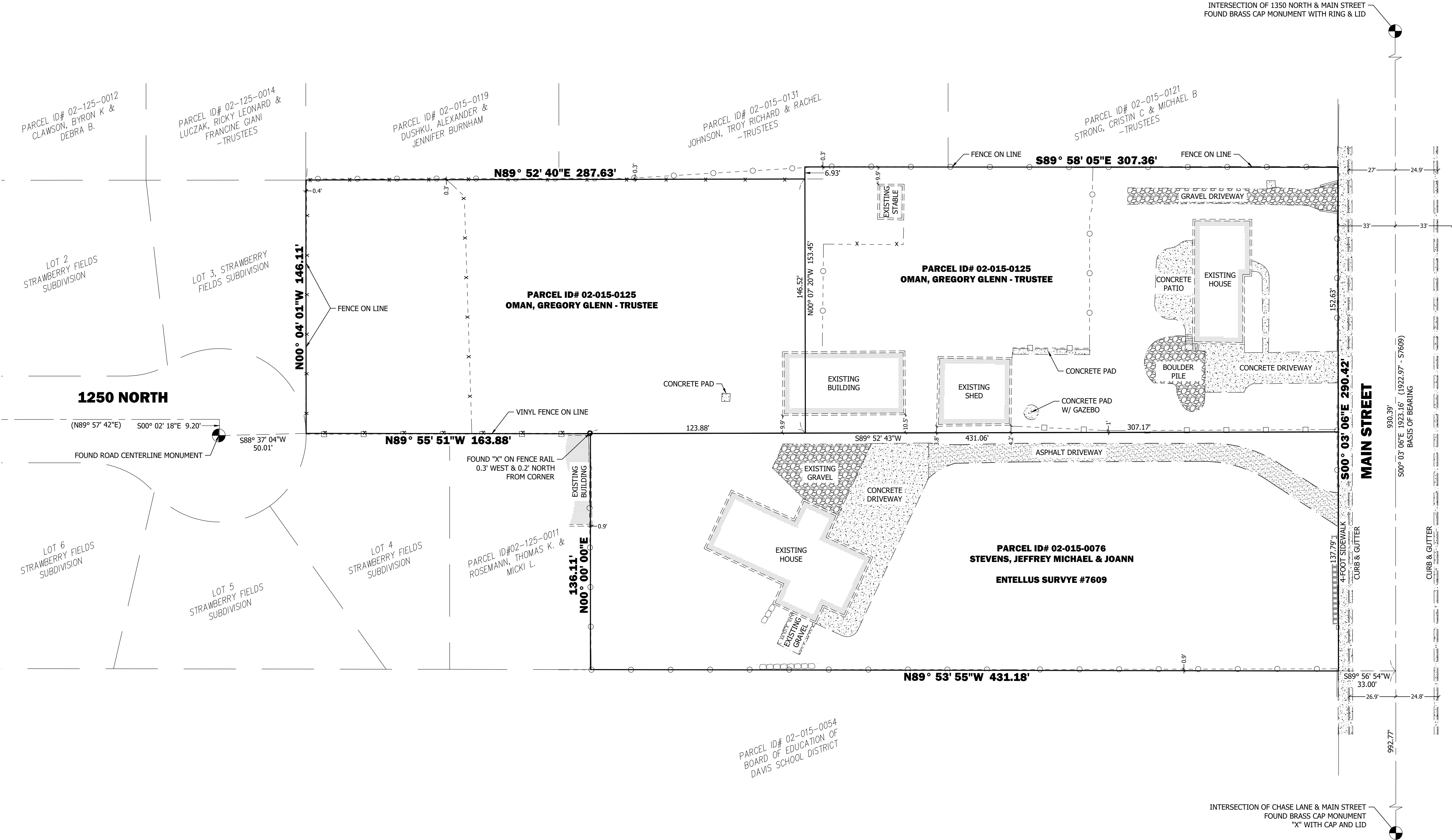
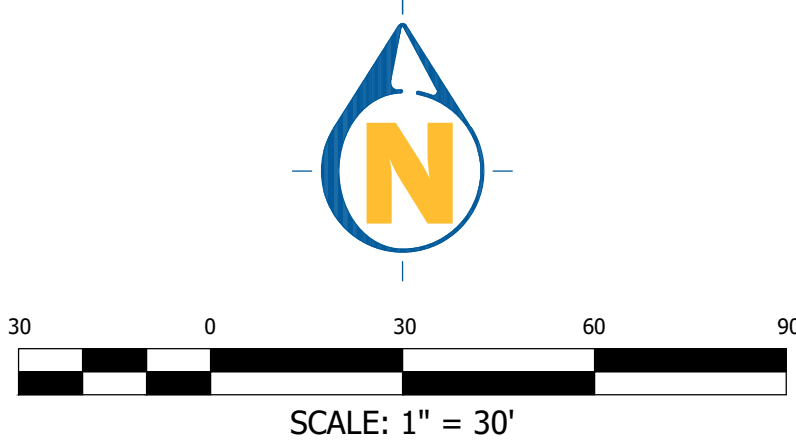
PARCEL 02-015-0125
(SPECIAL WARRANTY DEED, ENTRY #3430658; DAVIS COUNTY RECORDER)

BEG AT A PT WH IS W 1735.76 FT ALG SEC LINE & N 00°4'30" E 1130.58 FT ALG W LINE OF STATE ROAD & W 297.4 FT FR SE COR OF SEC 6-T2N-R1E, SLM; RUN TH W 297.3 FT; TH N 0°04'30" E 146.52 FT; TH E 297.3 FT; TH S 0°04'30" W 146.52 FT TO POB. CONT 1.00 ACRES ALSO: BEG 1745.72 FT W & 17.13 CHAINS N FR THE SE COR OF SEC 6-T2N-R1E, SLM; & RUN TH N 152.65 FT M/L ALG W LINE OF HWY TO AN OLD FENCE LINE; TH N 89°50'45" W 295.4 FT ALG SD FENCE LINE; TH S 153.45 FT M/L TO THE SW COR OF PPTY CONV IN 285- 294; TH E 295.4 FT TO THE POB.

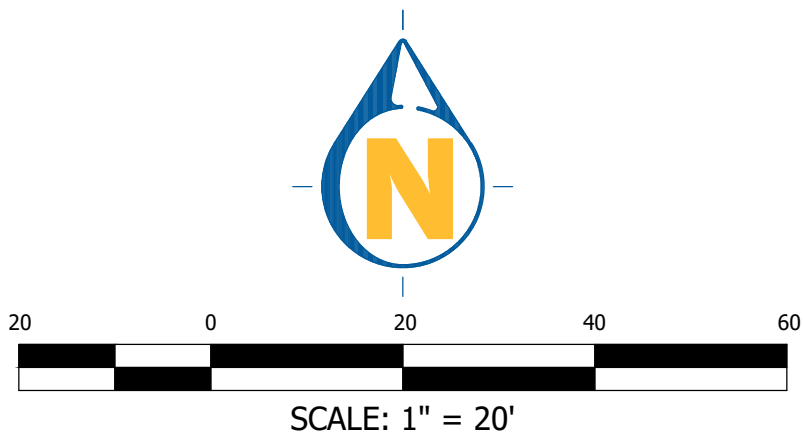
PARCEL 02-015-0076
(WARRANTY DEED, ENTRY #3141164; DAVIS COUNTY RECORDER)

BEGINNING ON THE WEST LINE OF A HIGHWAY AT A POINT 26.42 CHAINS WEST AND 992.61 FEET NORTH FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 135.93 FEET ALONG SAID HIGHWAY; THENCE WEST 424.7 FEET; THENCE SOUTHERLY TO A POINT NORTH 89°53'55" WEST OF THE BEGINNING; THENCE SOUTH 89°53'55" EAST 424.7 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING THEREFROM THE EASTERLY 2 FEET.

CURRENT ZONE: A-L
PROPOSED ZONE: R-L

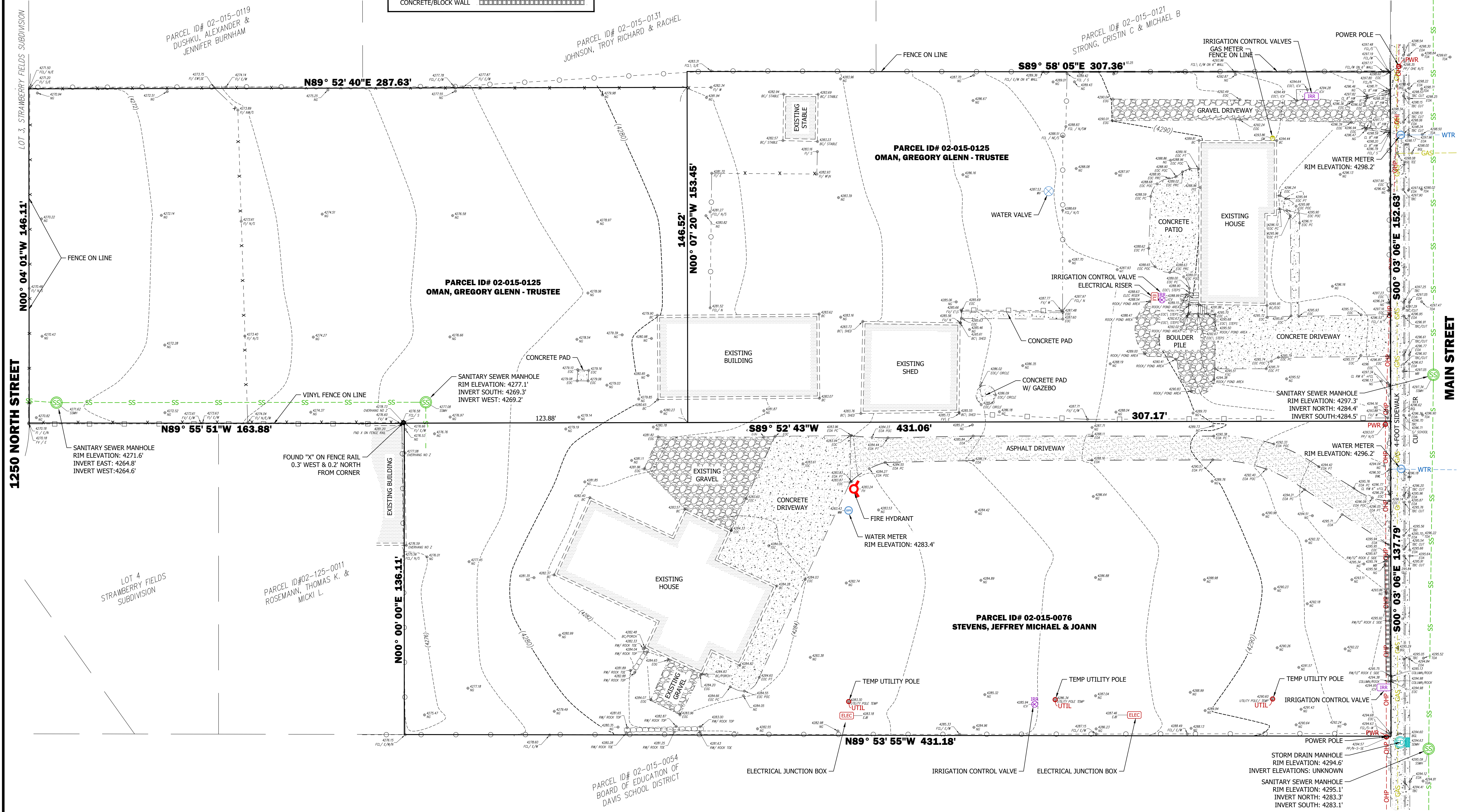


LEGEND	
PROPERTY LINE	---
ADJACENT PROPERTY	---
INDEX CONTOUR LINE	---(4300)---
MINOR CONTOUR LINE	---
EDGE OF PAVEMENT	---
EDGE OF GRAVEL	---
CURB, GUTTER, SIDEWALK	---
CHAIN LINK FENCE LINE	-o-o-o-o-o-
WOOD/VINYL FENCE LINE	-x-x-x-x-x-
IRON FENCE LINE	-x-x-x-x-x-
OVERHEAD POWER LINE	-OHP-OHP-OHP-
SANITARY SEWER LINE	-SS-SS-SS-
WATER LINE	-WTR-WTR-WTR-
GAS LINE	-GAS-GAS-GAS-
ROCK WALL	-----
CONCRETE/BLOCK WALL	-----



TOPOGRAPHIC PLAN

THIS DRAWING IS FOR TOPOGRAPHICAL INFORMATION ONLY. ALL BOUNDARIES AND EASEMENTS ARE APPROXIMATE AND ARE BASED SOLELY ON THE INFORMATION AVAILABLE ON A SUBDIVISION PLAT OR OTHERWISE PROVIDED TO THE SURVEYOR. UTILITIES MAY HAVE BEEN LOCATED USING UTILITY MAPS, NOT MEASURED, AND MUST BE FIELD VERIFIED.



Zone Map Amendment Noticing Matrix

CZC 12.21.050(c)

Updated June 2021

Include: statement summarizing substance of application

Date, time, and place of public hearing

The place where the application may be inspected by the public or the person to contact for further information

Notice of First Public Hearing

		Date Posted
10 days	Utah Public Notice Website	3/29/2024 @ 1:32pm
10 days	City website	3/29/2024 @ 1:33pm
10 days	on site notice	3/29/2024
	Mailed to each affected entity (Utah code 10-9a-103)	3/29/2024
10 days	Courtesy notice to property owners	3/29/2024 (mail & email)
3 business days	Applicant notice with staff report	4/5/2024

Subsequent Public Hearings

		Date Posted
3 days	Utah Public Notice Website	
3 days	City Website	

CENTERVILLE CITY

ZONE MAP AMENDMENT NOTICE OF PUBLIC HEARING

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **April 10, 2024, at 7:00pm**, or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Map Amendments** to the properties located approximately at **1193 N Main Street (Parcel No. 020150125) and 1167 N Main Street (Parcel No. 020150076)** from the Agriculture-Low (A-L) Zone to the Residential-Low (R-L) Zone. If you have questions regarding this matter or would like further information, contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

Whittney Black
Assistant City Planner

"Affected entity" means a county, municipality, local district, special service district under [Title 17D, Chapter 1, Special Service District Act](#), school district, interlocal cooperation entity established under [Title 11, Chapter 13, Interlocal Cooperation Act](#), specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

AFFIDAVIT

PROPERTY OWNER

STATE OF Utah
COUNTY OF Davis

I (we), Alexander Dushken II, 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.

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 2nd day of October, 2023.

[Signature]
(Notary Public)



Residing in Davis County, Utah

My Commission Expires 8/31/27

AGENT AUTHORIZATION

I (we), Alexander Dushken II, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Shyanne Walker 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.

[Signature]
(Property Owner)

(Property Owner)

Dated this 2 day of October, 2023, personally appeared before me Jensen Phelps, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.



[Signature]
(Notary Public)

Residing in Davis County, Utah

My Commission Expires 8/31/27

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
 }ss
COUNTY OF DAVIS }

I (We), Jeffrey & Joann Stevens, 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 _____, 200__.

(Notary Public)

Residing in Davis County, Utah

My Commission Expires _____

AGENT AUTHORIZATION

I (we), Jeffrey & Joann Stevens, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Shaq Walker & Shelby Dasku 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.

Shaq Walker
(Property Owner)

Joann Stevens
(Property Owner)

Dated this 3rd day of April, 2024, personally appeared before me Jeffrey & Joann Stevens the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.



Whitney Black
(Notary Public)

Residing in Davis County, Utah

My Commission Expires 01/29/2026

**PLANNING
COMMISSION**

Staff Report
4/10/2024

Item No. 1.

Title: Community Development Director's Report

Initiated By: Mike Eggett, Community Development Director

Staff Representative: Mike Eggett, Community Development Director

SUBJECT:

RECOMMENDATION:

BACKGROUND:

The next Planning Commission meeting: **April 24, 2024**

Update: **April 2, 2024, City Council**

Zoning Code Text Amendment - CZC 12.55.110 (*Fences and Walls*) - Bill Richter, Applicant - DENIED

Zoning Code Text Amendment - CZC 12.69.020 (*Cannabis Production Establishment Standards*) - J.D. Lourtizen, Applicant - DENIED

ATTACHMENTS:



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
4/10/2024

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 3-27-24 PC

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, March 27, 2024
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

Shawn Hoth
Layne Jenkins
Amanda Jorgensen
Tyler Moss
LaRae Patterson, Vice Chair

MEMBERS ABSENT

Mason Kjar, Chair
Matt Larsen

STAFF PRESENT

Mike Eggett, Community Development Director
Lisa Romney, City Attorney
Whittney Black, Assistant Planner

VISITOR

Richard Jensen

LEGISLATIVE THOUGHT/PRAYER Commissioner Moss

PLEDGE OF ALLEGIANCE

ZONE TEXT AMENDMENT, CZC 12.55.110 FENCES AND WALL

The petitioner, Richard Jensen, desired to amend the Zoning Ordinance regarding fences and walls to accommodate a retaining wall and fence combination he wanted to construct on the east side of his property. The Planning Commission held a public hearing and tabled the matter at the January 24, 2024 Planning Commission meeting. Assistant Planner Whittney Black explained that current Code restricted fence and wall height to 6 feet in rear and side yards, with calculations provided for determining maximum height in situations of differing grade from one property to another. The petitioner desired to replace an existing 4-foot retaining wall, and add a 6-foot fence on top. Ms. Black said there was a difference in grade between the subject property and neighboring property of about 4 feet. After taking the average elevation of the difference in grade, the final height calculation was 8 feet, exceeding the 6-foot maximum.

The petitioner proposed amending the zoning ordinance to reflect the following:

“Differentiate between non-structurally engineered walls and structurally engineered walls. Amend the allowed fence height from 6’ to 7’ for non-structurally engineered walls (typically chain-link, wood or vinyl) and 8’ for structurally engineered walls (typically concrete or CMU).”

Staff provided a list of factors to be considered when discussing height of fences and walls in the January 24, 2024 Staff Report. Staff advised that the application only addressed one issue, and advised denial of the application and a more comprehensive review of the ordinance at a later time. For the meeting that evening, the petitioner amended the application to include further information and suggestions regarding some of staff’s concerns discussed in the January 24,

2024 report, and compiled standards from several cities in Davis County regarding fence height. Ms. Black said staff felt the request remained limited in nature and did not include a comprehensive review. The application only addressed one issue for one property. Staff advised a more comprehensive review of the ordinance would be in the best interest of the entire city, suggested a city-initiated comprehensive review should be added to a list of goals and priorities, and recommended denial of the application.

The Planning Commission discussed the application. Community Development Director Mike Eggett advised the best solution to that type of situation was to write code that solved the situation comprehensively for the entire city, rather than approving variances all over the city. Staff recognized there were probably many similar situations throughout Centerville. Ms. Black estimated staff may be able to present a comprehensive review and recommendation by the middle of summer given the current work load. City Attorney Lisa Romney said staff would not advise the petitioner to seek a variance because the situation did not meet variance criteria.

Richard Jensen, petitioner, explained his concrete wall would be stepped along the length of the yard. He referred to standards in other Davis County cities.

Commissioner Jenkins referred to possible unforeseen consequences of the proposed amendment when applied to other situations throughout the City. He said he sympathized with the petitioner, and expressed support for encouraging a comprehensive review of the ordinance in 2024 if possible. The Planning Commission and staff discussed possible amendments to the ordinance to address the comprehensive issue.

Commissioner Jorgensen made a **motion** for the Planning Commission to recommend to the City Council denial of the request from Richard Jensen for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls, for the following reasons for action. Commissioner Moss seconded the motion, which passed by unanimous vote (5-0).

Reasons for action:

1. The Planning Commission finds that the application does not adequately consider the potential positive and negative impacts of increasing the allowable fence or wall height.
2. The Planning Commission finds that a more comprehensive ordinance amendment than what is proposed in this application is needed for CZC 12.55.110. The Planning Commission directs staff to work on solutions to the fencing issue discussed.
3. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls should not be positively recommended to the City Council.

TRAINING

City Attorney Lisa Romney provided training on Robert's Rules of Order and Professionalism/Decorum, and answered questions from the Commission.

DISCUSSION – 2024 PLANNING COMMISSION GOALS AND PRIORITIES

Assistant Planner Whitney Black presented a list of planning projects and goals for Planning Commission review, and requested that Planning Commissions submit feedback and suggestions. Commissioners expressed a desire for additional training on different planning topics. Ms. Black said additional discussion would be scheduled on a future agenda.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mr. Eggett spoke of the planned General Plan update. The Planning Commission was scheduled to meet next on April 10, 2024.

MINUTES REVIEW AND APPROVAL

Minutes of the March 13, 2024 Planning Commission Meeting were reviewed. Commissioner Hoth **moved** to approve the minutes. Commissioner Jorgensen seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 8:56 p.m., Commissioner Jenkins **moved** to adjourn the meeting. Commissioner Jorgensen seconded the motion, which passed by unanimous vote (5-0).

Jennifer Robison, City Recorder

Date Approved