

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON JANUARY 11, 2017 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This Agenda is also posted on the City's website: and at <http://centerville.novusagenda.com/agendapublic>.

Tentative - The times shown below are tentative and are subject to change during the meeting.

Time:

7:00 PM **A. WELCOME AND ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Commission Chair, David Hirschi

D. MINUTES REVIEW and ACCEPTANCE

December 14, 2016 Planning Commission

E. COMMISSION BUSINESS

7:08 1. Elect Chair & Vice-Chair

7:10 2. Public Hearing - York Automotive, 825 South Frontage Road

ADMINISTRATIVE DECISION

Consider approving a Conditional Use Permit for a proposed auto sales facility on property located at 825 South Frontage Road

7:30 3. Public Hearing - Moto United Powersports, 940 & 960 North 950 West

ADMINISTRATIVE DECISION

Consider the proposed Conceptual Site Plan for a powersports dealership and repair facility

7:50 4. Public Hearing - Text Amendment - Accessory Setbacks

LEGISLATIVE DECISION

The City Council has directed City staff and the Planning Commission to consider

amending the current zoning text to increase accessory building setbacks in R-L, R-M, and R-H Zones

- 8:10 5. Community Development Director's Report 011117

Items tentatively scheduled for January 25, 2017:

- C. Johnson Conceptual Subdivision
- Southeast Neighborhood Plan Amendments

- 8:15 6. City Council Actions Report 011117

January 3, 2017 - *Approved Final Plans for the Ray Subdivision*

F. ADJOURNMENT

- 8:20 7. Adjournment

CENTERVILLE

**Staff Backup Report
1/11/2017**

Item No.

Short Title: December 14, 2016 Planning Commission

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 12-14-16 PC Minutes Draft

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, December 14, 2016

7:00 p.m.

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

MEMBERS PRESENT

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

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Cassie Younger, Planner
Emily Hatch, Recording Secretary

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Wright

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held November 9, 2016 were reviewed and amended. Commissioner Wright made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Hayman and passed by unanimous vote (5-0).

2017 SCHEDULE REVIEW AND APPROVAL

The schedule for the 2017 Planning Commission meetings was presented for approval. Cory Snyder, Community Development Director, noted that the November City Council meeting was moved to November 8, 2017 due to Election day, which moved the November Planning Commission meeting to November 15, 2017.

Commissioner Wright informed the Commission that she will not be present at meetings held in March.

Chair Hirschi made a **motion** for the Planning Commission to adopt the 2017 Planning Commission Schedule as provided. The motion was seconded by Commissioner Hayman and passed by unanimous vote (7-0).

Chair Hirschi reminded everyone that elections for the position of Chair and Vice Chair of the Planning Commission will be taking place at the first Planning Commission meeting in January. Chair Hirschi would be happy to support any nominations for those posts.

PUBLIC HEARING – LEGACY CROSSING STORAGE, 150 NORTH 1250 WEST LANE - Consider the proposed Conditional Use Permit for a self-storage use (Legacy Crossing Storage) on property located at approximately 150 North 1250 West - Ken Menlove, Menlove Construction, Applicant

Mr. Snyder reminded the Commission that everyone has seen the site plan process, as the Conceptual and Final Site Plans have both previously been submitted to the Commission. The Final Site Plan has been approved, subject to acceptance of the Conditional Use Permit. The CUP is ready and prepared for the Commission to consider. The CUP is for the use only at this time; if there is anything above and beyond the issues listed in the Final Site Plan that can be mitigated, then it is the duty of the Commission to consider approving the CUP.

Staff has provided their report for this CUP. The storage facility will be located on the west side of Centerville, near the Megaplex Theater, and south of the Legacy Crossing project. There is an existing storage facility to the south. The applicants would like to construct a self-storage facility on the vacant parcel of land at 150 North 1250 West.

Staff's view is that the area has had new development, including the Legacy Crossing Apartments, so there are residents nearby in the mixed-used sector. This site will be located within the Industrial-High Zone and will only require the standards for this zoning. However, since there are residential uses, there should be discussion around how these residents could be affected. Staff is concerned about hours of operation of the new site. The Centerville City Noise Ordinance already prohibits loading and unloading from 10 pm to 6 am, so this could be used to mitigate any problems that arise at the storage facility during this time. Staff's view is that Legacy Crossing Storage should match those hours while making it specific to their project, including exceptions for emergency situations. However, this facility may create a constant / regular flow of traffic of people accessing this facility in the late night hours which wouldn't be considered loading or unloading. Late night hours for the facility should be discouraged out of concern for existing residents, as long as emergency plans are in place and as long as they don't break the City Noise Ordinance.

1 Another concern for this project, that is typical for commercial use sites next to
2 residential sites, is lights. If lights are not shielded / appropriately placed, then residents become
3 frustrated.

4
5 The City Engineer is comfortable with the City instating a parking restriction from the
6 corner of 1250 West and 200 North to just beyond the east side of the access to the storage
7 facility, as this would keep parking and traffic away from the corners and thus maintain
8 visibility, but would be uncomfortable restricting the entire street, as there are many people in
9 the nearby apartments that park on-street (as allowed).

10
11 Staff is recommending approval of the Conditional Use Permit for Legacy Crossing
12 Storage, with consideration for mitigating measures.

13
14 Commissioner Wright asked Mr. Snyder to remind the Commission why the City
15 Engineer was opposed to making street cuts for access on 1250 West as opposed to 200 North.
16 Mr. Snyder explained that 200 North is considered a local road, while 1250 West is an arterial
17 street, so city rules try to minimize street cuts on 1250 West. An increase in the number of
18 driveways means an increase in the number of turns off of that street, which causes more
19 problems in balancing everyone's needs and mitigating turn conflicts. As there are already curb
20 cuts on the other side of 1250 West, it was decided to change the primary access to the facility to
21 200 North, both to minimize access on arterials and because existing powerlines caused issues
22 for how to line up driveways / accesses with those across the street.

23
24 Chair Hirschi asked for if there will be a gate, or some form of security. Mr. Snyder
25 showed that there will only be the one entrance.

26
27 Commissioner Hayman asked for clarification on where the City Engineer would prefer
28 to restrict parking. Mr. Snyder restated that this would be from the corner to the curb cut on the
29 south side of the road, and for a space on the other side of the entrance, which was addressed in
30 the Site Plan. It would be acceptable to also add this as a condition in the CUP.

31
32 Commissioner Daly asked for clarification on the City Noise Ordinance, which should be
33 from 10 pm to 6 am. The provided Staff Report states 6 am to 10 pm, and the suggested motion
34 for the CUP listed in the Report states that hours of operation for the facility should be from 6
35 am to 9pm, to align with this ordinance. Mr. Snyder acknowledged his mistake in the report; the
36 Noise Ordinance states 9 pm to 6 am. Lisa Romney, City Attorney, verified these hours as stated
37 in Section 7-09-020 of the Centerville Municipal Code.

38
39 Steve Garner, applicant, is one of the principle owners and developers. He informed the
40 Commission that he would have no issue with limiting his hours of operation to conform to the
41 Noise Ordinance, as typical access, excepting occasional emergencies, would be within those

1 hours. Chair Hirschi asked if any afterhours visitors would be accompanied by a representative
2 from the company. Mr. Garner responded that this is not typical, but he's comfortable with this
3 step being taken if requested.
4

5 Regarding the on-street parking, the preference of the developers was to have the
6 entrance to the facility on 1250 West, due to their concern of trucks being able to enter and exit
7 safely. Mr. Garner's understanding had been that parking would be restricted on both sides of
8 the street. Mr. Snyder stated that during his previous conversations with the developers and
9 engineers, it was only the south side of the street that would have restricted parking.
10

11 Commissioner Wright asked the applicant whether it was their choice, or the choice of
12 the engineer, to switch the entrance to 200 North. Mr. Garner explained that they had tried to
13 make it work to have the entrance on 1250 West without having to move any existing light poles,
14 but that could not result in an entrance that was at least 150 feet from the intersection, as is
15 required, so the entrance was moved around the corner. Commissioner Wright stated that her
16 preference would be for the entrance to be on 1250 West, due to issues with entering the facility,
17 parking for existing residents, and potential light disturbance for those residents. She asked the
18 applicant if he had looked into moving the smallest light pole that is on 1250 West. Mr. Garner
19 assured her they had considered all options before settling on the entrance on 200 North.
20

21 Mr. Snyder explained that to switch the plans now would mean that the Commission
22 would need to reconsider their approval of the site plan, which have already been approved in
23 their current state, due to the necessary changes to the drainage and access plans. Mr. Garner said
24 he would hate to have to back up, and the plans are currently finalized.
25

26 Commissioner Hirst asked Mr. Snyder for the width of 200 North, and if allowing
27 parking on the north side would cause any issues. The right-of-way is 80 feet, but they are not
28 utilizing the full 80; the asphalt will be about 42 or 44 feet wide. Commissioner Hirst then asked
29 Mr. Garner what size of truck and trailers he expects to have accessing the facility. Mr. Garner
30 said it will likely be box trucks and U-Hauls. It is unlikely that semis will be accessing the
31 facility, but not impossible.
32

33 Chair Hirschi opened the public hearing. With no one wishing to make any comments,
34 Chair Hirschi then closed the public hearing.
35

36 Commissioner Johnson asked Mr. Snyder if the decision for whether or not on-street
37 parking is allowed would be made by the city. Mr. Snyder responded that the decision was made
38 by the City Council, based on the engineer's recommendation in the site plan. If there are
39 additional issues not addressed in the site plan, the Commission is welcome to mitigate those by
40 adding a third condition to the CUP, and the requested configuration would be up to the approval
41 of the City Council.

1 Lisa Romney, City Attorney, stated that she would like to add a third condition to the
2 CUP requiring the developer to submit legal descriptions for the waterline easement and public
3 utility easement to be prepared and recorded against the property prior to building permit.
4

5 Chair Hirschi made a **motion** for the Planning Commission to approve the Conditional
6 Use Permit for the proposed Legacy Crossing Storage to be located at 150 North 1250 West,
7 with the following conditions. Commissioner Daly seconded the motion.
8

9 ***Conditions:***

- 10 1) The "hours of operation" for customer access and loading/unloading activities within
11 or for the storage units shall be allowed from 6:00 a.m. to 9:00 p.m. with no such
12 activity or customer self-access after this time frame, except for emergencies when
13 accompanied by the owner/operator.
14 2) All pole and wall lighting fixtures shall be shielded in accordance with the design
15 expectations of Section 12.55.140.a. of the Zoning Ordinance.
16 3) The Developer shall submit legal descriptions for culinary waterline and public utility
17 easements (on three sides of the parcel) to be prepared and recorded against the
18 property prior to issuance of a building permit.
19

20 Commissioner Wright explained that she does not feel comfortable with the current plan
21 for the facility's entrance on 200 North, due to issues with mitigating operation, parking, and
22 visibility for large trucks. She recognizes that it is a burden to request the applicant revisit the
23 option to move the light pole, but this option would make more sense to accommodate the large
24 trucks, with the benefits of no on-street parking on this street to interfere with entering and
25 exiting the facility and no limitation of parking for existing residents. Chair Hirschi stated he
26 would argue otherwise, as there is currently another storage unit in the area that does have access
27 via 1250 West. Currently, vehicles accessing this facility really disrupt the flow of traffic, thus
28 turning 1250 West into a busy street. Access on 200 North instead of 1250 West would improve
29 the flow of traffic on 1250 West and allow for slower trucks and easier turns. Commissioner
30 Hayman stated that this is the plan that the City Engineer reviewed and was comfortable with
31 implementing, and recommended that the Commission defer to his expertise. Commissioner
32 Hirst explained that, since the facility will not be open after 9:00 pm, headlights from visitors
33 affecting the local residents isn't a significant concern.
34

35 The motion passed with a majority vote (6-1), with Commissioner Wright casting the
36 dissenting vote.
37

38 ***Reasons for the Action:***

- 39 a) A Conditional Use Permit is required for a self-storage use in the I-H Zone (Chapter
40 12.36)

- 1 b) The Planning Commission finds that a conditional use permit to be reviewed by the
2 Planning Commission (Section 12.21.100).
3 c) The Planning Commission finds that during the review of the CUP, the use can
4 potentially have a negative impact on the multi-family residences to the north of the
5 site with regards to late night customer access and loading/unloading activities and
6 site lighting.
7 d) The Planning Commission finds that the conditions imposed can mitigate the
8 identified negative impacts mentioned above.
9 e) The Planning Commission finds that with the Commission's review and conditions
10 imposed, there is sufficient evidence to necessitate a CUP approval of proposed self-
11 storage use.

12
13 **PUBLIC HEARING – SAL BIRNAM WOODS 100-FT TOWER, 1100W W**
14 **PORTER - Consider the proposed Conditional Use Permit and Final Site Plan for a 100-**
15 **foot Monopole Tower (wireless telecommunications facility) to be located at approximately**
16 **1100 West Porter Lane - Tierney Rowe, Epic Towers, LLC, Applicant**

17
18 A Conceptual Site Plan was approved on September 28, 2016 for this 100-foot tall
19 monopole tower located at 1100 West Porter Lane. The concerns that were raised at that time
20 have been largely mitigated in the Final Site Plan. The Commission requested that the front
21 landscaping be 20 feet from the front of the road, which has been completed. This is not enough
22 to meet the required 10% landscaping for this zone, but this will be increased in Phase 2 of this
23 plan. They have also added an asphalt driveway, as requested. It is noted on the plan that, as part
24 of Phase 1, the existing cars parked on this lot will be removed prior to construction.

25
26 The antenna seems to be appropriate size based on the plan. There are no climbing pegs,
27 all cables are underground. There will be two fences for screening: a 4-foot tall vinyl fence at the
28 property line and a 50 by 50 foot fence around the poll, which is 300 feet from the property line,
29 which will be 6 feet tall with an additional foot of barbed wire on top. The FAA and the FCC
30 will need to be notified with proper permits once construction is complete, as acknowledged in
31 their letters of acknowledgment.

32
33 Everything requested in the Conceptual Site Plan has been addressed in the Final Site
34 Plan. Staff found that there are no other monopoles in the surrounding area, and the proposed
35 tower would not interfere with any current operations of sensitive lands. Sixty feet of height is
36 allowed based on the current zoning, and the Conditional Use Permit is needed to expand this to
37 100 feet. There have been no findings that would give cause to deny this permit.

38
39 Tierney Rowe, applicant, from Epic Towers verified that they had met all conditions
40 required by staff for the Conceptual Site Plan.
41

1 Chair Hirschi opened the public hearing. As no members of the public wished to speak,
2 the public hearing was closed.

3
4 Commissioner Johnson asked for clarification on the landscaping requirement for Phase 1
5 vs. Phase 2 of the site plan. Cassie Younger, Assistant City Planner, explained that the property
6 for the second phase hasn't been leased yet. Mr. Snyder further explained that current ordinance
7 requires that the whole property be developed at once, unless there is a phase approval. The
8 Conceptual Site Plan review allowed for the opportunity for the applicant to request a two phase
9 process and asked that anticipated use of Phase 2 be addressed. There may be some shifts and
10 changes as Phase 2 is developed.

11
12 Commissioner Wright made a **motion** for the Planning Commission to approve the Final
13 Site Plan for the proposed communications facility with the following conditions. Commissioner
14 Hayman seconded the motion. The motion passed with a unanimous roll-call vote (7-0).

15
16 **Conditions:**

- 17 1. All construction of the property and monopole with the required fencing, landscaping,
18 and permitting follows the Final Site Plan submitted to the City on November 10,
19 2016.
20 2. All vehicles stored on the property are to be removed as soon as Phase I of
21 construction begins or prior to receiving a final inspection related to the building
22 permit
23 3. FAA is notified properly to give a Notice of Actual Construction within 5 days after
24 the construction reaches its greatest height.
25 4. FCC is properly notified within 24 hours of completion of construction of the
26 project.
27 5. The remaining landscaping requirements will be addressed with the approval of Phase
28 2 of the project, consisting of at least 10% of site.
29

30 Commissioner Hirst made a motion to approve the Conditional Use Permit for the
31 Verizon Telecommunications Site to be located at 1100 West Porter Lane, with the following
32 conditions. Commissioner Hayman seconded the motion. The motion passed with a unanimous
33 roll-call vote (7-0).

34
35 **Conditions**

- 36 1. The CUP approval is subject to the construction and compliance with the approved
37 Final Site Plan from the City.
38 2. The monopole height shall not exceed the 100' limitation of Section 12.67.080.d.1
39

40 **PUBLIC HEARING – CANYON POINT IN CENTERVILLE, 347 NORTH 400**
41 **EAST - Consider the proposed Conceptual Site Plan for Canyon Point in Centerville**

(formally Martha's Place), on property located at 347 North 400 East, for the purpose of a multi-family development; consisting of 1 tri-plex, 1 duplex and 1 single-family dwelling - Chad Morris, Property Owner & Applicant

There have been several previous site plan applications for this same location, but the owner has recently acquired more properties. The new western end of the development is the new acquisition and the reason for the change from previous site plans. Building pad 2 will be a duplex, building pad 1 will be a triplex, and the existing home on pad 3 will remain. Currently, the applicant is allowed 3 homes with $\frac{3}{4}$ of an acre; the Conditional Use Permit will allow an increase to 6 dwellings.

This site is in the Deuel Creek Historic District, so there will be incentives to maintain the architectural character of the neighborhood and to fit in with the surrounding homes in the area.

All of the development standards have been met or are to be determined based on additional information. Parking is not noted on the site plan, but it seems that a 2-car garage will be included with each unit, along with six on-street parking stalls for visitors. There is currently an issue with a nonconforming driveway for the existing home. Currently, space for the parked cars is before the setback. This will need to be moved so there is enough room for the pad or garage to be beyond the setback.

The development is meeting the 40% requirement of landscaping so far. The plan also shows trees to be added at the rear of the lot for screening. Right now there are plans for a 6-foot fence and 10 trees at the southern end, and a 6-foot fence at the northern end as well. A complete landscaping plan will need to be submitted with the Final Site Plan, as it is not included in this version.

Regarding utilities, there is the issue of the existing overhead telephone line across from building 1 and an existing shed that is crossing the property line. The shed will have to be removed.

The CUP is needed for an increase in density for this area. Staff does ask that the developer maintain the architectural design standards of the neighborhood, especially the buildings at the southern end, and that they be sensitive to the backyards of neighbors by having appropriate screening and proper designs to preserve privacy.

Mr. Snyder reminded the Commission that the plan before them was only the Conceptual Site Plan. The applicant is seeking the CUP for the density change before submitting his Final Site Plan, so the Commission should be looking at this conceptually. The applicant desires to eventually pursue a PUD to subdivide this multi-family project so the townhomes can be

1 individually sold. The Commission will be seeing multiple versions of this plan as the developer
2 moves forward.

3
4 Chair Hirschi asked if the CUP was being withdrawn, as the report says it has been filed.
5 Mr. Snyder explained that a CUP was the initial plan, but they are hard to obtain without having
6 final designs in place, so he asked the applicant to delay submitting a CUP. Chair Hirschi agreed
7 that, in the past, it has been easier to handle the CUP process when more information is
8 available,

9
10 Commissioner Wright inquired as to the green space requirements for this area. Mr.
11 Snyder replied that it is the standard 40% requirement, as well as having 1 tree and 2 shrubs per
12 unit. Since this is not a single-family project, there are multiple options for how to proceed.
13 With a multi-family zone, there is the option to create individual lots, with a duplex on each, and
14 meet normal lot requirements. A second option is a master plan project, like a Planned Unit
15 Development subdivision, in which case the individual lot type expectations expand to the whole
16 project in addition to requiring 1 tree and 2 shrubs per unit. In this case, the Commission is
17 seeing the latter. For the 1 tree, 2 shrubs requirement, it is acceptable to substitute the number of
18 trees up to 10% with additional shrubs. Commissioner Daly asked if it was an option to add a
19 condition to the CUP, if the Commission decided that they wanted the trees in this buffer to go
20 above and beyond the required number. Mr Snyder replied in the affirmative.

21
22 Commissioner Wright asked if the current proposal said anything about a Planned Unit
23 Development. Mr. Snyder explained that it does not, the current plan is a master plan for one
24 site, but the plan is to later convert this to a PUD.

25
26 Chad Morris, applicant, explained that the current plan indicates the inclusion of trees,
27 but there is no specific plan in place yet. They have tried to mitigate all points that were brought
28 up previously, even though this is a different plan being proposed. With regards to the shed on
29 the property line, this will be removed, along with several older sheds on the property. Chair
30 Hirschi asked if the shed was being used by the neighbor to the north. Mr. Morris said yes, but
31 that property had also been bought by him, so there was no concern with removing it. My.
32 Snyder showed that the applicant owns more property in the area than is included in the current
33 plan, and even though the applicant owns both pieces of property, there cannot be buildings on
34 property lines.

35
36 Mr. Morris also explained that the driveway for the single home would be moved to the
37 north side of the structure and would be a two car driveway, perhaps with a garage.
38 Commissioner Wright asked whether the residents would be able to fit 6 vehicles in the on-street
39 parking. Mr. Snyder explained that the applicant will be adding visitor parking for 6 vehicles,
40 even though it is not required. The requirement for multi-family units is 2 parking spaces per
41 unit, but he asked the applicant to consider an option for visitors as well.

1 Commissioner Wright observed that there does not seem to be usable backyards for the
2 units. Mr. Morris said that the backyards will extend 10 feet, which will be usable to an extent.
3 Mr. Snyder added that the area on the north end of the driveway and the retention basin are
4 considered impervious surface area. Significant yard space will be dedicated as part of the pad to
5 the home.

6
7 Commissioner Hayman asked the applicant if he had decided what type of trees will be
8 used along the fence line. Mr. Morris stated that he has talked to a landscaper, and, though he
9 doesn't know the names of the trees to be used, they will be tall and thin trees to work in that
10 space.

11
12 Chair Hirschi opened the public hearing.
13

14 Linda Martin, the resident at 331 North 400 East, which is the property to the south of
15 Mr. Morris's proposed development, read an opening statement to the Planning Commission.
16 She is troubled by the idea of this area being rezoned as a multi-tenant and rental property. The
17 area has always been an owner-occupied, single-family neighborhood, and she is concerned that
18 this will change. She is also concerned that the new property is 4 feet higher than her property
19 and that of a neighbor. Along this property line is an old, crumbling rock wall which she does not
20 believe will support this new project. If it is damaged or shifts, it will also damage the existing
21 property. There is another neighbor who has an old cinderblock wall along part of their
22 backyard, but no support along the rest, which has caused the property to collapse and erode over
23 the years. Ms. Martin is requesting that a condition to properly retain his land be added to the
24 CUP.

25
26 Ms. Martin also asked about the fence or barrier that is required, and whether it will span
27 the length of the property, and what type of fencing it would be.

28
29 Ms. Martin agreed that trees are needed to the rear of the building for privacy, but trees
30 planted at the proposed location, within a few feet of the property line, will cause damage to the
31 retaining wall of the property. In addition to this, she does not want to have to deal with
32 overhanging branches. There is also the powerline to consider, and the necessary easements that
33 must be honored to protect those lines. Ms. Martin has met with Ed from Rocky Mountain Power
34 about how this project will affect existing residents, and has been provided with a pamphlet
35 explaining the rules for planting trees and stated that only trees that grow to a maximum height
36 of 25 feet will be allowed. However, as the purpose of this barrier is to screen neighbors from a
37 35-foot high complex, this won't work. Instead, Ed suggested, and Ms. Davis agrees, that trees
38 not be planted along the fence line but instead plant trees that grow to 35 feet or more off of the
39 back side of each unit, directly in line with the windows of the upper unit.
40

1 Ms. Davis is happy to hear that the issue with the existing driveway will be addressed, as
2 moving that driveway will eliminate a blind spot. She would also like the mound of earth that
3 was built up for the existing driveway to be removed, as it is currently causing problems with
4 runoff and erosion, and level the property with that of the neighbors.

5
6 Ms. Davis's number one concern with this project is the issue with the sewer. It is a relief
7 to hear that a new and independent sewer system will be required for this project, but she
8 strongly urges the commission to require that the existing sewer lateral for the existing home be
9 attached to the new sewer system for this property.

10
11 Seeing no one else with any questions or comments, Chair Hirschi closed the public
12 hearing.

13
14 Mr. Snyder expressed appreciation for the comments made by Ms. Davis, as it rarely
15 happens that an invested person comes in to make comments and raise issues during a public
16 hearing. He acknowledged that there are a number of issues raised by Ms. Davis that need to be
17 investigated, including the plan for landscaping and the privacy buffer between the properties.
18 He also recommended the applicant have a discussion with the Sewer District regarding the
19 sewer line for the existing home and provide the Planning Commission with the decision and
20 recommendation of the Sewer District. He also advised the applicant to take the feedback from
21 Ms. Davis and keep that in mind when making design plans.

22
23 Chair Hirschi asked Mr. Morris for his thoughts on removing the driveway and leveling
24 the lot to that of the neighbors. Mr. Morris doesn't see a problem with removing this mound, but
25 he is unsure how they would go about leveling the property, though they will do their best.
26 Commissioner Johnson asked if there are any grading requirements by code to be considered.
27 Mr. Snyder replied that it appears that the drainage does not seem adequate, and perhaps the City
28 Engineer should weigh in. There will be a final grading and drainage plan, which is intended that
29 there shouldn't be drainage onto the neighbor's property, so perhaps a retaining wall system and
30 drainage plan should be investigated. He is cautious about worrying about equal grade for the
31 properties. Instead, there should be a focus on a retaining system and drainage, which is what
32 they will be looking at in the final design. There will be a slab in place, and impervious surfaces
33 can cause a surge in drainage, but this will depend on the material used underneath and whether
34 the water penetrates to the soil.

35
36 Commissioner Wright asked Mr. Morris for his plan for retaining the property. Mr.
37 Morris said there is no plan in place as of yet, that will come with the Conceptual Site Plan. The
38 current rock wall and cement wall will probably have to be removed and replaced to
39 accommodate drainage. This would be best asked to an engineer, but his thought is there won't
40 be an issue.

1 Mr. Snyder explained that retaining systems differ for things 4 feet or less and things over
2 4 feet. Staff would be looking at the load weights of structures onto the soil, the elevation
3 distance between the two plots, and whether that distance creates a problem with the retaining
4 system.

5
6 Commissioner Wright asked what the process is for addressing the issues that were
7 raised. Mr. Snyder replied that this is the time to give feedback to the applicant. The applicant
8 should look into these matters and consider the staff suggestions. These issues should be
9 addressed in the final plan from the applicant.

10
11 Commissioner Helgesen asked Mr. Morris which property this rock wall is on. Mr.
12 Morris said that, based on the survey conducted, it is on his property. However, the wall does not
13 go in a straight line.

14
15 Commissioner Daly asked Mr. Morris if there had been any discussion about removing
16 the existing sewer lateral for the existing home and instead running a line through the new
17 system. Mr. Morris said there had not been, because the sewer line is already there, but they have
18 paid for that sewer line to be relined, though he's unsure how much of it was relined, and South
19 Davis Sewer has approved the use of the existing line. Chair Hirschi said that input was needed
20 from the Sewer District. Mr. Morris said he could provide a letter from the Sewer District with
21 their approval. Mr. Snyder has seen the letter, but would also ask for information on what work
22 was done, what distance was relined, and decide then, in the final design plan, if this is sufficient.

23
24 Chair Hirschi asked where the new lateral line will be placed. Commissioner Daly said
25 this is along 300 North. Commissioner Daly would like to see the Sewer District weigh in on
26 using the existing lateral vs. switching the existing home to the new lateral, and whether they
27 have concerns with the current plan. Commissioner Johnson asked if the new line was being
28 installed only about 15 feet from the existing line. Mr. Snyder said yes, it is fairly close.

29
30 Commissioner Hayman asked if Mr. Morris intends to run a fence from the front of the
31 property to the rear of the property. Mr. Snyder said the design plans show a 6-foot fence along
32 the south line, but this 6-foot fence can only run to the 25-foot easement, and then has to drop to
33 4 feet. Mr. Morris said he didn't plan on running the fence all the way to the front, but would
34 possibly consider it.

35
36 Commissioner Hayman observed that Ms. Davis had made a good point about the
37 powerlines and the tree barrier between the properties. She encouraged Mr. Morris to talk to his
38 neighbors about the best types of trees and the best placement for this barrier.

39

Chair Hirschi made a **motion** for the Planning Commission to approve the Conceptual Site Plan for Canyon Point, located at 360 East 400 North, with conditions 1-10 of the staff report, as well as an addition condition 11. Commissioner Johnson seconded the motion.

Conditions:

1. A final site plan shall be submitted following all applicable standards found in Section 12.21.110(e) of the Zoning Ordinance.
2. The applicant should address the architectural design standards for the multi-family units as found within Chapter 12.49 of the Zoning Ordinance. Unit specifications as well as building pads should be marked on the Final Site Plan.
3. Architectural design consider the Deuel Creek Historic District architectural context and the incentives provided in Chapter 12.49
4. Remove existing sheds located on the property, in particular the one located over the property line.
5. Submit a landscaping plan that meets the multi-family residential standards in 12.51.
6. Ensure adequate parking garages and visitor spaces.
7. If the applicant desires to have signage for the project, this shall be indicated on the final site plan and meet the requirements found in Chapter 12.54 of the Zoning Ordinance.
8. The applicant shall address the overhead telephone line with the proper utility company for relocation, burial or allowing the line to stay in place.
9. The location of the fire hydrant shall receive final approval from the City Engineer and the South Davis Metro Fire.
10. The applicant shall receive the approval of a Conditional Use Permit for the density of 8 units per acre; a total of 6 on this site, which includes the use of a single-family dwelling.
11. The applicant review and return to the Commission with a report on how the applicant intends to retain property, dealing with retaining walls that exist and any that may be necessary to add, and that we receive information from the Sewer District with respect to the connection to the old home and its recommendation in that regard. The applicant should also provide the Commission with information on fencing and what is proposed in more detail. The Applicant will also provide the Commission with information concerning landscaping, including the buffer and privacy issues, as well as runoff issues.

Commissioner Wright stated that it would be very valuable to have a note and recommendation from the Sewer District, and to know their preference of whether the home should be on the existing line or moved to the new line. She also reiterated that the comments from the public were very helpful, and lots of issues were raised that the applicant can and should address, and doing so will improve the site for everyone. Chair Hirschi reminded the

Commission that this plan is still in the very preliminary stages, and there will be lots more discussion and further hearings on this matter.

The motion was passed by a unanimous roll-call vote (7-0).

Reasons for the Action:

- a) The conceptual site plan submittal has adequately shown how the property may be developed [Section 12.21.110(d)(2)].
- b) The development appears to satisfy the goals and objectives found within the Centerville City General Plan [Section 12-480-2(1)(b)].
- c) The proposed conceptual site plan, with the directives given, appears to be capable of meeting applicable Development Standards for the R-M Zone.

PUBLIC HEARING – THE COTTAGE ON THE CORNER, 323 EAST PAGES LANE – Consider the proposed Conceptual Site Plan and Conceptual Subdivision Plan for The Cottage on the Corner Townhomes (formally Balling Townhomes), a multi-family development; consisting of 1 building, 6 units, on property located at 323 East Pages Lane (1000 South) - Scott Balling, Property Owner & Applicant

Mr. Balling owns this property. It's been the Balling Engineering facility for years, but the business will be moving on to new location. Mr. Balling recently petitioned the City Council to rezone this property, and was granted a rezone from Commercial-High to Residential-Medium. Mr. Balling is planning to build 6 townhomes in an L-shaped building on the two lots he currently owns. This is a conceptual review in order to give feedback to the applicant. The plan for this application is to begin the processes for both the Conceptual Site Plan and the Conceptual Subdivision Acceptance. The applicant plans to come to the Commission with a Final Site Plan and Conditional Use Permit and then convert the site into a Planned Unit Subdivision.

Mr. Balling would like to build six units. There is a need for a lot-line adjustment to the east of a foot or two and would incorporate the retaining wall there. There would also be an additional acquisition of land to the north from the LDS church in order to increase Mr. Balling's property to the correct parcel size for 6 units as a density request under the CUP. The plan is that the rear side of the units would face 300 East. There are some positives to the current elevation plan, including that the lack of a back door and back patio would prevent this area from becoming a storage area for the residents, and thus functions more as greenspace and is a better presentation to the community. Another positive is the existence of balconies, allowing residents to enjoy the outdoors as part of their internal environments. There are not many design issues in this plan from an administrative permitted use level, though curb appeal and the aesthetics of the front yard are important to the community.

1 Some concerns include the landscaping of the area. The site currently has 35% of the
2 required 40% landscaping, and so is 5% short. Another design issue is around parking and
3 circulation: the trash receptacle is in the parking lot so as not to be next to the front doors of the
4 units. Mr. Balling has talked to A1 Disposal, which is comfortable with the current location of
5 the dumpster. However, City parking ordinances prohibit backing out onto a public street from a
6 parking lot. A third concern is the angled parking. Typically, this includes a one-way lane that
7 leads you around the building. Mr. Balling intends to honor a previous commitment that there be
8 no point of access to 300 East. Mr. Balling did provide a sketch of a proposed radius-turnaround
9 for those stalls that would allow backing out for the angled parking. The last issue is a concern
10 with parking for units 3 and 4 and the constraints there with a longer backout space or necessary
11 multi-point turnarounds. Staff recommends acceptance of the Conceptual Site Plan feedback for
12 the applicant to address in his Final Site Plan.

13
14 Chair Hirschi inquired if there are trucks that can pick up the dumpster from behind, and
15 if that would alleviate the issue of backing out onto a street. Mr. Snyder said that may be an
16 option to consider.

17
18 Scott Balling, applicant, expressed his appreciation for the thorough staff report. He did
19 have some additional notes to share (attached).

- 20
21 - Four of these units will be ramblers, and two will be two-story buildings. Unit 2 will
22 have the greatest height of 32 feet to the top of the roof, which is lower than the
23 existing building on the site.
24 - Before moving forward with the rezone, Mr. Balling provided copies of the plan to all
25 residents within 500 or 600 feet of the site and asked for their input. The residents
26 along 300 East were opposed to any access along that street and instead wanted it on
27 Pages Lane, due to the nearby elementary school. Mr. Balling has taken steps to
28 honor that.
29 - The site is at 35.8% landscaping of the required 40%. He has added some additional
30 greenspace along the visitor parking. There are four patios along the north side that
31 can be decreased in size to meet the 40%, but he would prefer not to take this step.
32 - Mr. Balling has made an agreement with the LDS Church next to the site to purchase
33 an additional 4 feet of land from their existing field. He will be putting up a masonry
34 wall along the boundary to match the wall along the east side.
35 - Mr. Balling is fine with the 1 tree 2 shrubs requirement and will be providing a final
36 landscaping plan from a landscape architect.
37 - Regarding visitor parking, there should be plenty of room for the visitors to leave the
38 parking lot. Mr. Balling has tried this radius in his F150 truck and had no issues. Mr.
39 Balling's provided plan shows potential ways for residents to leave the garages. All
40 vehicles will pull onto Pages Lane in the forward position.

- The dumpster was chosen as a better option than purchasing City garbage cans, as garbage cans would be blown away in any wind storm. The dumpster will be enclosed by a 6-foot masonry wall. Mr. Balling would also like to add a ground-level sign and additional trees to beautify this area and hide the dumpster from street view.
- Mr. Balling has provided a copy of the letter from A1 Disposal, stating that they have no concern with picking up the dumpster in its current planned location. The dump truck would be past the sidewalk when performing pick up, and could be scheduled to do so at off-peak hours so as to avoid conflict with students at the nearby school.
- Regarding the curb appeal from 300 East, Mr. Balling prefers the Enhanced Rear Elevation Design. In the provided plan, Mr. Balling has added a fence / wall combination to add to the aesthetic appeal from the street. As for the concern that the residents will use the back area as a place for storage, Mr. Balling explained that this is a common area, and under control of the HOA.

Mr. Snyder responded with a request to sit with the applicant when he prepares his final plans. The 40% required landscaping could be met with up to 20% decorative hard surfaces. Mr. Snyder did reference the Zoning Code for backing out onto a street, so this will need to be investigated. It may be part of the CUP to require the garbage pick up to be scheduled at a time without visitors parked in the stalls, and then use the parking lot to do a 3-point turn back onto the street. Mr. Balling will ask A1 Disposal if a dumpster that can be picked up from behind is an option, but questioned whether it would be better for the garbage truck to have to stop on the road and back into the parking lot than to back out onto the street after pickup.

Chair Hirschi opened the public hearing. Seeing no one that wished to comment, the public hearing was then closed.

Commissioner Daly asked Mr. Snyder for the exact wording of the code for backing out on the street. Mr. Snyder read, "Backing space: each parking lot shall include backing space within the lot or parcel so a vehicle will not exit by backing out onto the public street. A public sidewalk shall not be used as part of the required backing area for the parking lot." Commissioner Wright stated that, since this site is right next to an elementary school, she feels it is best to follow the ordinance and err on the side of caution. Commissioner Daly said that while A1 does say in their letter that they have great drivers, we do want to give every opportunity for safety measures to be in place. Commissioner Hayman expressed her appreciation to the applicant for the thought behind the placement of the dumpster, and the attempts to screen it from view.

Mr. Balling will talk to A1 Disposal again, to see if they would be able to back up and turnaround on site, and ask them to write another letter to this fact.

Commissioner Hayman made a **motion** for the Planning Commission to approve the Conceptual Site Plan for The Cottage on the Corner Townhomes located at 325 East Pages Lane, with the following conditions. Commissioner Wright seconded the motion. The motion was passed with a unanimous roll-call vote (7-0).

Conditions:

1. Prior to submittal of a Final Site Plan application, the applicant is to secure the needed lot line adjustments and obtain any needed rezoning of these properties to the R-M Zone; If unable, the applicant is to redesign the development to meet the density allowances of the R-M Zone.
2. In conjunction with any Final Site Plan submittal, the applicant is to prepare and submit for a Conditional Use Permit to be considered for any density request that has a dwelling density of 5-8 units per gross acre.
3. As part of the expected Conditional Use Permit review, the CUP submittal is to also address the following:
 - a) The design plan and layout is to address the concerns regarding the needed two/three-point turn to exit the garages for Units 3 & 4.
 - b) The design plan and layout is to be reviewed by the South Davis Metro Fire Service Area and the Public Works Director to ensure that there is sufficient access, circulation and hydrants; including fire hydrant flow capacity to service the proposed development.
 - c) The design plan and layout will need to be reviewed by the City Engineer to determine how to provide for proper site drainage and storm water management.
 - d) The design plan and layout is to address the visual streetscape and landscaping design elements that were raised in the staff report for the Conceptual Site Plan acceptance.
4. The applicant is to submit a final site plan application meeting the standards found in Section 12.21.110(e) of the Zoning Ordinance.
5. The final site plan submittal is to also address the following:
 - a) Provide a Landscaping Plan and address the standards of Chapter 12.51. Landscaping & Screening. Additionally, this plan is to address the shortcomings listed in the Planning Staff report for the Concept Site Plan acceptance.
 - b) The final site plan is to address the prohibition of vehicles (i.e. dumpster location) backing onto the Public Right-of-Way for exiting.
 - c) The proposed dumpster is to be completely screened from view with an opaque six-foot wall or fence. The wall or fence is to be compatible in material and color of the main buildings on the site.
 - d) If any project signs are desired, the desired sign location is to be depicted on the final site plan.

Reasons for the Action:

- a) The conceptual site plan submittal has adequately shown how the property may be developed [Section 12.21.110(d)(2)].
- b) The development appears to be consistent with the goals and objectives found within the Centerville City General Plan [Section 12-480-3].
- c) The Conceptual Site Plan that has been submitted depicts how the site could be appropriately developed and with some alterations could be designed to comply with the applicable provisions of the Residential-Medium (R-M) Zone (see Section 12.21.110.d.5) and other relevant regulations, as discussed in the Planning Staff Report.

Commissioner Hirst made a **motion** for the Planning Commission to approve the Conceptual Subdivision Plan for The Cottage on the Corner Townhomes located at 325 East Pages Lane, with the following conditions. Commissioner Helgesen seconded the motion. The motion passed with a unanimous roll-call vote (7-0).

Conditions:

1. The Conceptual Subdivision Plan acceptance is dependent upon the approval of a Final Site Plan and any applicable CUP approval, as being proposed with the related Conceptual Site Plan acceptance of December 14, 2016.
2. Once the related Final Site Plan and CUP approvals are secured from the City, the applicant shall prepare and submit a Preliminary Subdivision Plat, depicting how the related site plan will be prepared as a Subdivision Plat, coordination of construction plan elements between site plan development and those to be constructed with subdivision development, and the layout and dedication of common, limited common, and private lots or building envelopes.

Reasons for the Action:

- a) The project consists of a multi-family residential development inherently connected to the Final Site Plan and CUP approvals of the R-M Zone.
- b) The PUD subdivision regulations provide for the opportunity to allow the multi-family to be individually sold to the market place through a recorded plat, provided there are mechanisms to have the owners of the development participate in the continued maintenance of common areas and open spaces.
- c) The conceptual subdivision plan must be consistent with the policies of the applicable neighborhood plan
- d) Any PUD subdivision development must be consistent with the design plan (i.e. final site plan and/or CUP) approved by the Planning Commission or the City.

Mr. Snyder made the comment that it's been nice to see everyone participating in the process tonight and how great everyone has been to work with.

PUBLIC HEARING – RAY SUBDIVISION, 233 SOUTH 100 EAST – Consider the proposed Preliminary and Final Subdivision Plan for the Ray Subdivision, on property located at 233 South 100 East, for the purpose of creating 3 residential building lots - Lance Evans, PLW Inc., Property Owner & Applicant

Mr. Evans would like to subdivide his property in three lots, which is allowed with the current zoning. The Conceptual Site Plan was approved last month with few conditions. The biggest concern was the buildable area in lot 3, which is the smallest lot in the subdivision. The minimum required building pad area is 2000 square feet. This pad will be 2386 square feet, and so fits the requirements. All other pads are larger. The public utility easements have been marked on the plan, and the Fire Marshall has sent a letter with some conditions. The fire hydrant is across the street and close enough for use. If there are any future structures, they will need to have adequate fire access roads in place.

Drainage and construction plans have been submitted. The City Engineer stated that soil reports are not necessary since there is already an existing home on the property. All letters from utility providers have been submitted

Lance Evans, applicant, expressed his hope that all issues have been addressed, and welcomed any questions from the Commission.

Chair Hirschi opened the public hearing. With no questions from any interested parties, the public hearing was then closed.

Commissioner Daly made a **motion** for the Planning Commission to approve the Final Subdivision Plat and Plans for the Ray Subdivision located at 233 South 100 East, with the following conditions. Commissioner Hayman seconded the motion. The motion passed with a unanimous roll-call vote (7-0).

Conditions:

1. The Final Plat Linen shall meet all the standards found in Chapter 15:3 of the Subdivision Ordinance.
2. After the final plat is deemed acceptable by the City Engineer and City Attorney, the City will record the plat at the Davis County Recorder's Office.
3. The final construction drawings shall be reviewed and approved by the City Engineer prior to the recommendation of the Subdivision Plat.

Reasons for the Action:

1. The final subdivision plat is in harmony with the General Plan [Section 12-480-52(1)(e)].

2. The new subdivision meets the objectives for development within a Residential-Low Zone [Section 12.30.020(b)(1)].
3. It appears all applicable development standards for development within an R-L Zone have been satisfied [Table 12.32.1].
4. It appears all general requirements for a subdivision have been satisfied [Chapter 15-5].
5. All applicable standards found in the Subdivision Ordinance pertaining to a final subdivision review have been satisfied [Chapter 15-4].

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mr. Snyder shared that staff has been blessed with great people on the Commission, and they are grateful for everyone and their input.

1. Items scheduled for January 11, 2017
 - Interform Cross-Access Amended Site Plan
 - At least two additional items will be on the agenda

CITY COUNCIL ACTIONS REPORT

Mr. Snyder, reported to the Commissioners recent actions taken by the City Council.

- **November 15, 2016:** General Plan Amendments -West Centerville Neighborhood Plan - Removing Industrial Very-High Zoning District - Section 12-480-6
Motion: Deny
- **November 15, 2016:** Consider Ordinance No. 2016-29 repealing flag-lot provisions in City Code or send matter back to the Planning Commission with directive regarding potential revisions
Motion: Repeal
- **November 15, 2016:** Direction to staff and Planning Commission re: General Plan Southeast Neighborhood
Motion: Begin revisions
- **December 6, 2016:**
No items for Planning Commission

Chair Hirschi expressed his appreciate for the staff's support of the Commission and said that the Commission has been blessed by a great staff.

Commissioner Johnson made a **motion** to adjourn. Commissioner Hayman seconded the motion, which passed by unanimous vote (7-0).

The meeting was adjourned at 9:34 p.m.

David Hirschi, Chair

Date Approved

Marsha L. Morrow, City Recorder

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/11/2017**

Item No. 2.

Short Title: Public Hearing - York Automotive, 825 South Frontage Road

Initiated By: Jacob York, Applicant

Scheduled Time: 7:10

SUBJECT

ADMINISTRATIVE DECISION

Consider approving a Conditional Use Permit for a proposed auto sales facility on property located at 825 South Frontage Road

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ☐ 01-11-2017 PC Staff Report York Automotive
- ☐ York Automotive Submittals
- ☐ BOA Decision Call Property
- ☐ City Attorney Memorandum - BOA Decision

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

**STAFF REPORT
AGENDA: ITEM 1**

**PROPERTY OWNER: J. DAVID CALL
185 EAST 100 NORTH
CENTERVILLE, UTAH 84014**

**APPLICANT: JACOB YORK
1703 WEST 600 NORTH
FARMINGTON, UTAH 84025
(jby472375@hotmail.com)**

**PROPERTY LOCATION: 825 SOUTH FRONTAGE ROAD
APN: 03-001-0035**

PARCEL SIZE: 1.04 ACRES

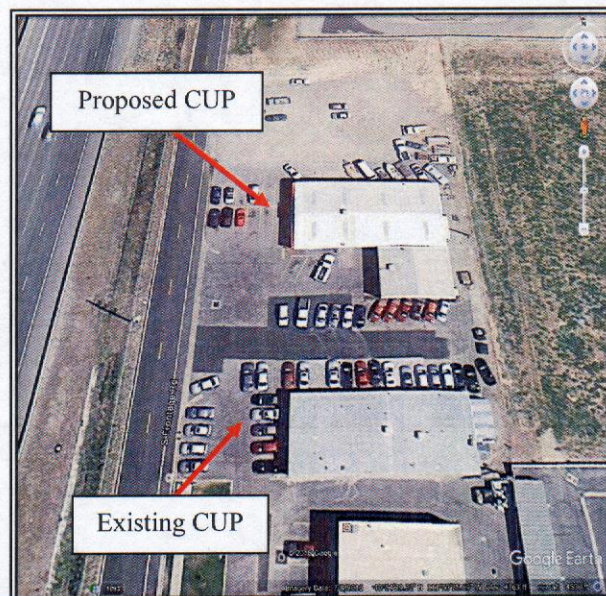
ZONING DISTRICT: COMMERCIAL-VERY HIGH (C-VH)

**LAND USE APPLICATION: CONDITIONAL USE PERMIT – VEHICLE
SALES, LIMITED USE**

**STAFF RECOMMENDATION: CONSIDER APPROVAL OF THE CONDITIONAL
USE PERMIT**

BACKGROUND

Jacob York has submitted an application requesting auto sales located at 825 South Frontage Road for York Automotive. As the Planning Commission may be aware, in 2009 York Automotive received a CUP for their use, right next door, at 875 South Frontage Road. Mr. York desires to relocate to the other building to the north on the same property. Due to the previous approval limiting the vehicle sales to the south building, a new CUP is required to move the use over to the other building.



NON-CONFORMITY MATTERS OF THE PROPERTY

According to City building permit records, the buildings located on the proposed site were constructed in 1979, when the area was zoned M-1. It also appears that the northern building received approval for an expansion in 1989 from the Planning Commission. Additionally, in 2015, the JD Call Family Trust, was granted legal-nonconformity status for the vacant portion of the property (north side) for the parking of vehicles and related storage for the JD Call property uses further south. Staff found no other records in relating to land use applications.

Today, the property is zoned Commercial-Very High and has two buildings. York Automotive currently occupies the south building and site for their business. According to Section 12.22.080, Non-conforming Development that is consistent with the originally approved plan shall be deemed compliant with the current zoning ordinance. In review of the site plan submittal that is required as part of the CUP application, York Automotive is not proposing any changes to the site that triggers correcting any site plan related non-conformities. Therefore, it is staff's position that the Commission's review is limited to the standards of the Conditional Use Request and limited to imposing any site or other conditions related to mitigating impacts of the use.

BOARD OF ADJUSTMENT DECISION REGARDING THE PROPERTY

The minutes of the January 15, 2015 Board of Adjustment Meeting indicates that the Board voted to recognize the nonconforming use of farm implement storage and licensed vehicle parking on the vacant unpaved portion of the lot located at 825 South (*north of the proposed York Automotive business*) Frontage Road, with the following conditions:

Conditions:

1. The nonconforming use may remain as is and shall not be expanded or modified without coming into full compliance of the current Zoning Ordinance and other applicable City regulations.
2. The nonconforming use shall only be for the parking of licensed vehicles and current farm implement storage related to those businesses on and lot owners of the property.

Reasons for Action (findings):

- a. Section 12-21-150 empowers the Board of Adjustment with the responsibility of hearing and deciding the existence, expansion, or modification of any nonconformity.
- b. The applicant has provided sufficient evidence indicating how the property has been utilized through time, as indicated by the backup information by Anderson Call.

EXISTING CONDITIONAL USE PERMIT APPROVAL

The minutes of the October 28, 2009 Planning Commission Meeting indicates that the Commission voted to approve the CUP for York Automotive, as follows:

1. All applicable fees shall be paid
2. This conditional use permit shall only apply to the space that York Automotive, located at 875 South Frontage Road, in the 2400 square feet of the western portion of the south building.

3. The display area shall be limited to the eight parking stalls located west of the building.
4. York Automotive shall not occupy any parking stalls required for all other businesses located on site.
5. In addition to the eight parking stalls for a display area, the applicant shall be required to have ten additional stalls. These spaces shall be clearly marked and meet all applicable City standards of 9' x 18' stalls and 25' drive-isles. These stalls shall be inspected by a member of City staff before a business license may be issued.
6. The applicant shall work with the South Davis Sewer District, the Public Works Director, to create a BMP to ensure EPA requirements for drainage of water from the washing of vehicles have been satisfied.
7. The applicant will need to install a sedimentation basin, if one is not already installed, to capture sediments and soap deposits.
8. All deliveries and transporting of vehicles shall occur during regular business hours Monday thru Saturday 9:00a.m to 6:00p.m.
9. All cars shall be driven to the site individually and no transport truck shall be used.
10. The applicant shall submit an automobile license from the state of Utah to the business license coordinator
11. The applicant shall apply and receive a business license before the selling of automobiles is to occur.
12. A sign permit application shall be submitted to City staff for approval of any proposed signage.
13. The conditional use permit shall be limited to eight (8) vehicles for sale, at any given time, to be displayed in the eight (8) parking stalls as designated in Condition #3.

PROPOSED CONDITIONAL USE PERMIT REQUEST REVIEW

Table of Uses Allowed 12.36

The Table of Uses Allowed, indicates a vehicle rental, sale, used limited, is allowed in the commercial-very high zone with a conditional use permit. This use is defined in the Zoning Ordinance as, "An establishment engaged in the retail, sale or rental, from the premises, of used motorcycles, automobiles, and/or light trucks, along with incidental service or maintenance" [12.12.040].

Conformance with the City's General Plan

The General Plan states that in order for the City to generate revenue for local services "...Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community" [12-430-1]. Therefore, the proposed York Automotive auto sales, appears to be consistent with the goals and objectives of the General Plan.

CUP Approval Factors to be Reviewed [12.21.100.e.5.A-K]

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

To the north of the proposed York Automotive is: machinery & licensed vehicle parking for JD Call; to the south, Call Climate, a heating and air conditioning company; and to the east, Proxcor, which produces wheelchairs. Within a short travel distance of the proposed site are six (6) other businesses that relate to vehicle sales or vehicle repair. Five of these businesses

have approved conditional use permits. The proposed relocated use appears to be in harmony with the surrounding uses. Therefore, staff believes that the site continues to be a suitable candidate site for relocating the vehicle sales and repair from the south to the north building.

Impact on the Community and Safeguards to Minimize this Impact (D-E, G, I-K)

According to the submittal, York Automotive currently is approved for eight (8) display vehicles and desires to increase the limit to 12 vehicles. Otherwise, the submittal indicates that all other operations will remain the same as the currently approved use. Therefore, staff believes that approving with the CUP request conditioned upon using the similar conditions of the previous approval will not create additional issues that need to be mitigated.

Adequate Access, Parking, Lighting, Fire Protection and Vehicular Circulation (H)

The uses and buildings on the lot have one shared access off of the Frontage Road with parking directly adjacent to each building. The relocation of the car dealership should not impact the surrounding parking requirements for the surrounding businesses. The north building was approved in 1989, with 13 parking stalls on the south and the approved licensed vehicle parking to the north (i.e. BOA decision), it appears that there is sufficient parking for the proposed relocation of the business. [*Required Parking = 21 stalls/ 27 provided*]

Nonetheless during the Development Review Committee's review (i.e. City Staff), the South Davis Metro Fire District desires to have the Fire Marshall emergency equipment access and staging, specifically with regards to the north side of the building, which has limited all-weather surface (if vehicular parking occurs) for use by emergency equipment. Therefore, staff would suggest that any approval be conditioned upon the approval of the Fire Marshall and any circumstances that are deemed necessary to comply with the applicable Fire Code.

OTHER ISSUES TO CONSIDER

The Board of Adjustment's recognition of the north area of the property was narrowly defined to machinery and licensed vehicle parking. Nonetheless, it is staff's position that if the site originally approved site plan is modified in a manner, such as the need to establish adequate Fire Service and Emergency Access involving the north area of the BOA decision, then it triggers the need to comply with current provision of City Codes and Ordinances (*see memorandum from Lisa Romney, City Attorney*). Such needs may include additional curb and gutter, drive approach, paving, etc. Therefore, if an approval of the CUP is granted, then an appropriate condition of approval should include the requirement to submit a Site Plan Amendment application to be reviewed by the Commission for code and ordinance compliance review of the amendment.

PLANNING STAFF RECOMMENDATION

Suggested Motion for a conditional use permit located at 875 South Frontage Road

I hereby make motion for the Planning Commission to approve the conditional use permit for York Automotive LLC, located at 875 South Frontage Road, with the following conditions:

1. All applicable fees shall be paid
2. This conditional use permit shall only apply to the space that York Automotive, located at 825 South Frontage Road and terminates the use for 875 South Frontage Road (i.e. south building).

3. The display area shall be limited to the 12 parking stalls located west of the building.
4. York Automotive shall not occupy any parking stalls required for all other businesses located on site.
5. In addition to the 12 parking stalls for a display area, the use shall be required to have to provide and maintain a minimum of 21 stalls for the auto sales use.
6. The applicant shall verify with the City Engineer and the Public Works Director to create a BMP to ensure EPA requirements for drainage of water from the washing of vehicles have been met, prior to issuance of a City Business License.
7. The applicant shall obtain approval of the South Davis Fire Marshall and address or fulfil any circumstances that are deemed necessary to comply with the applicable Fire Code.
8. If the applicant is required to change or modify the site in order to comply with other applicable regulations, such as the Fire Code, then the applicant shall submit an Amended Site Plan Application for review and approval by the Planning Commission.
9. All deliveries and transporting of vehicles shall occur during the listed regular business hours of the application, which is Monday thru Saturday, from 9:00am to 6:00pm.
10. As stated in the submittal, all cars shall be driven to the site individually and no transport truck shall be used.
11. All desired business signs shall obtain a sign permit approval from the City.

Suggested Reasons for the Action (Findings):

- a. The Planning Commission finds that the applicant has submitted an application for a conditional use permit[12-21-100(d)(1)].
- b. The Planning Commission finds that the use of vehicle and equipment rental or sales is an allowed use within the commercial-very high zone upon issuance of a conditional use permit [12-36]
- c. The Planning Commission finds that the use is consistent with the General Plan of Centerville City [12-430-1]
- d. The Planning Commission finds that the request is a relocation of the same use on the site from the south to the north building.
- e. The Planning Commission finds that the site continues to be a suitable candidate site for relocating the vehicle sales and repair from the south to the north building.
- f. The Planning Commission finds that according to Section 12.22.080, Non-conforming Development that is consistent with the originally approved plan shall be deemed compliant with the current zoning ordinance.
- g. The Planning Commissions finds that the Board of Adjustment's recognition of the use allowed for the north area of the property were narrowly defined to machinery and licensed vehicle parking.
- h. The Planning Commission finds that in its review of the site plan submittal, that is required as part of the CUP application, York Automotive is not proposing any changes to the site that triggers correcting any site plan related non-conformities.
- i. Therefore, the Planning Commission finds that approving with the CUP request conditioned upon using comparable conditions of the previous approval will not create additional issues that need to be mitigated and sufficient evidence has been shown to meet the review criteria for issuance of a Conditional Use Permit.

York

Automotive

Conditional Use Permit Revision dated October 1, 2009.

Site Location: 875 South Frontage Road
Centerville, Utah 84014

Site Plan Revision: We have included all of the information requested for the revised site plan enclosed. Any specific items requested that are not shown on the site plan are not present on the site.

The nature of this request for conditional use of auto sales is to augment our current business. Currently our business includes auto detailing. With the move to this new location our plan is to include auto sales. Auto detailing is a related business to used auto sales. All used automobiles to be resold usually require some form of detailing and reconditioning. Current auto detailing customers are the areas local auto dealerships. We would like to include the sale of used vehicles which is a good fit since we can detail and recondition the vehicles for ourselves and continue to offer this service to our current clientele.

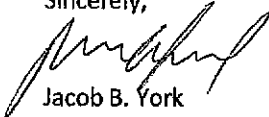
York automotive will occupy approximately two thirds of the existing building and plan to utilize our space as follows. The business office will occupy the front west section of the building (27 x 40 ft). There are only two employees, me and my partner. Our auto sales plan is to be on a small scale. We hope to have eight vehicles for sale at any given time to be showcased outside. These vehicles will be showcased in the eight parking stalls directly west of the building along Frontage Road. There are two access doors to the business office area; one on the west side and one on the north side. Parking for sales customers and York Automotive's two employee can be accommodated by parking stalls located on the North side of the building (13 stalls including one handicapped parking stall). York Automotive's proposed hours of operation are from 9am to 6 pm Monday thru Saturday.

The detailing function will be performed in the work bay (size approx 33 x 40 ft) located east of the business office area. There is one access door and one overhead door to the detailing work bay. Up to six vehicles can be parked and worked on inside the detail bay. The detailing business is primarily performed for wholesale auto sales business customers who rarely come to the site. Vehicles brought on site are transported individually from local auto auctions and dealers. No transport trucks will be used to deliver vehicles to our location.

Proxcor, the occupant of the East third of the building (40 x 40 ft), uses this space for equipment storage. There is one access door and one overhead door for this space. There are no active employees or daily use of the space.

We respectfully submit this information for your review in consideration of our request for a conditional use permit.

Sincerely,


Jacob B. York
York Automotive

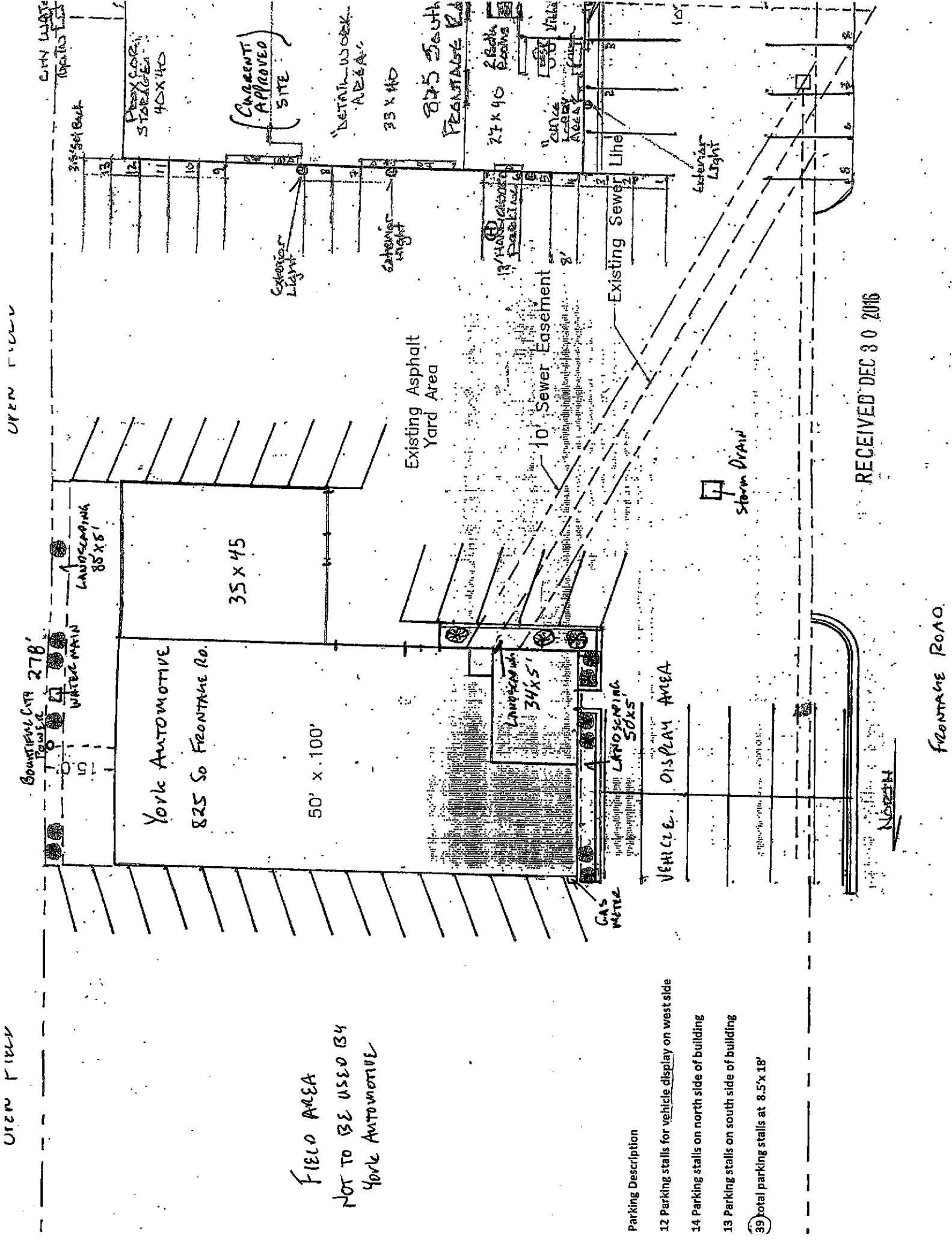

1-3-17

OPEN FIELD

OPEN FIELD

FIELD AREA

NOT TO BE USED BY
York Automotive



Parking Description

12 Parking stalls for vehicle display on west side

14 Parking stalls on north side of building

13 Parking stalls on south side of building

39 total parking stalls at 8.5' x 18'

RECEIVED DEC 30 2016

FRONTAGE ROAD

**CENTERVILLE CITY, UTAH
BOARD OF ADJUSTMENT**

IN THE MATTER OF JD CALL FAMILY REALTY DETERMINATION OF LEGAL EXISTENCE OF NONCONFORMING USE OF PROPERTY	FINDINGS AND DECISION
---	------------------------------

Pursuant to Section 12-21-150 of the Centerville City Municipal Code, the Board of Adjustment held a public meeting on Wednesday, January 21, 2015, at 6:00 p.m. to determine the legal existence of a nonconforming use of property located at 825 South Frontage Road, Centerville, Utah. Public and applicant notice of the meeting was provided in accordance with Centerville City Ordinances and Utah State law. The Applicant, Scott C. Call of JD Call Family Realty, was present at the meeting and was represented by his attorney Jonathan Call from the law firm of Anderson, Call and Wilkinson. Scott Call and his attorney provided testimony and evidence to the Board of Adjustment regarding the matter. Additional testimony was received from Evan Call. City Staff also presented their analysis and recommendation to the Board of Adjustment including information set forth in the Staff Report dated January 21, 2015.

Having considered all of the information, testimony, evidence and relevant factors and standards specified in the City Ordinances for determining the legal existence of a nonconforming use of property, and based on the information presented, the Board of Adjustment hereby makes the following findings, conclusions and decision:

FINDINGS AND CONCLUSIONS

1. The Applicant owns a lot located at approximately 825 South Frontage Road, Centerville, Utah (hereinafter the "Property").
2. The Property contains two commercial buildings and related paved parking areas and landscaping, as well as a vacant unimproved area of the lot to the north of the buildings, as more particularly shown in **Exhibit A**, attached hereto and incorporated herein by reference.
3. The first building on the Property was constructed around 1978 and the second building on the Property was constructed in 1983, with an addition to the second building approved in 1989.
4. Pursuant to Section 12-340-2 of the Centerville Zoning Code in effect in 1985, public parking areas were required to be paved, but private parking areas were not required to be paved.
5. Pursuant to Section 12-310-2 of the Centerville Zoning Code in effect in 1985, private parking was defined as "[a]n open area, other than a street, used for the parking of automobiles by persons occupying the main building on the lot."
6. The Applicant provided written testimony regarding the historical use of the vacant portion of the Property for parking of vehicles as more particularly set forth in the letters attached as **Exhibit B**, and incorporated herein by this reference.
7. The Applicant and Scott Evans also provided oral testimony at the hearing regarding such historical use of the Property as reflected in the Minutes of the meeting.
8. The evidence presented does not reflect any records or information regarding City Zoning Code requirements prior to 1980 or any City records regarding the subject Property prior to 1989.

9. Pursuant to Section 12-21-150 of the current Centerville Zoning Code, the Board of Adjustment is authorized to make determinations regarding the existence of a nonconforming use, structure, lot, or other nonconformity affecting the owner's property.

10. Pursuant to Section 12-22-110 of the current Centerville Zoning Code, "the property owner shall have the burden of establishing that a nonconforming lot, structure, use or other nonconformity lawfully exists under this Title."

DECISION

The Board of Adjustment hereby finds and approves the legal existence of the nonconforming use of the vacant unimproved portion of the Property located at 825 South Frontage Road, Centerville, Utah, for parking of licensed vehicles and farm implements, with the following conditions:

1. The nonconforming use of the vacant unimproved portion of the Property may remain as is and shall not be expanded or modified without coming into full compliance with the current Zoning Ordinance and other applicable City regulations.

2. The nonconforming use of the vacant unimproved portion of the Property shall only be used for the parking of licensed vehicles and current farm implements related to those businesses on and/or property owners of the Property.

This determination is based on the following findings:

a. Section 12-21-150 empowers the Board of Adjustment with the responsibility of hearing and deciding the existence, expansion, or modification of any nonconformity.

b. The Applicant has provided sufficient evidence indicating how the Property has been utilized through time, as indicated by oral testimony and the backup information provided by the Applicant and his attorney Jonathan Call.

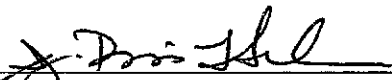
c. The Board finds sufficient evidence of the continuous use of the vacant unimproved portion of the Property for parking of vehicles for the time period 1951 to 2015.

d. The Findings and Conclusions 1-10 as set forth above.

Any person aggrieved by the decision of the Board of Adjustment regarding this matter, may appeal such decision to the Second District Court, Davis County, Utah, in accordance with applicable provisions of Utah law.

DATED this 9th ^{February} day of January, 2015.

**CENTERVILLE CITY
BOARD OF ADJUSTMENT**

By: 
Brian Hulse, Board Chair

ATTEST:

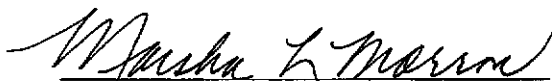
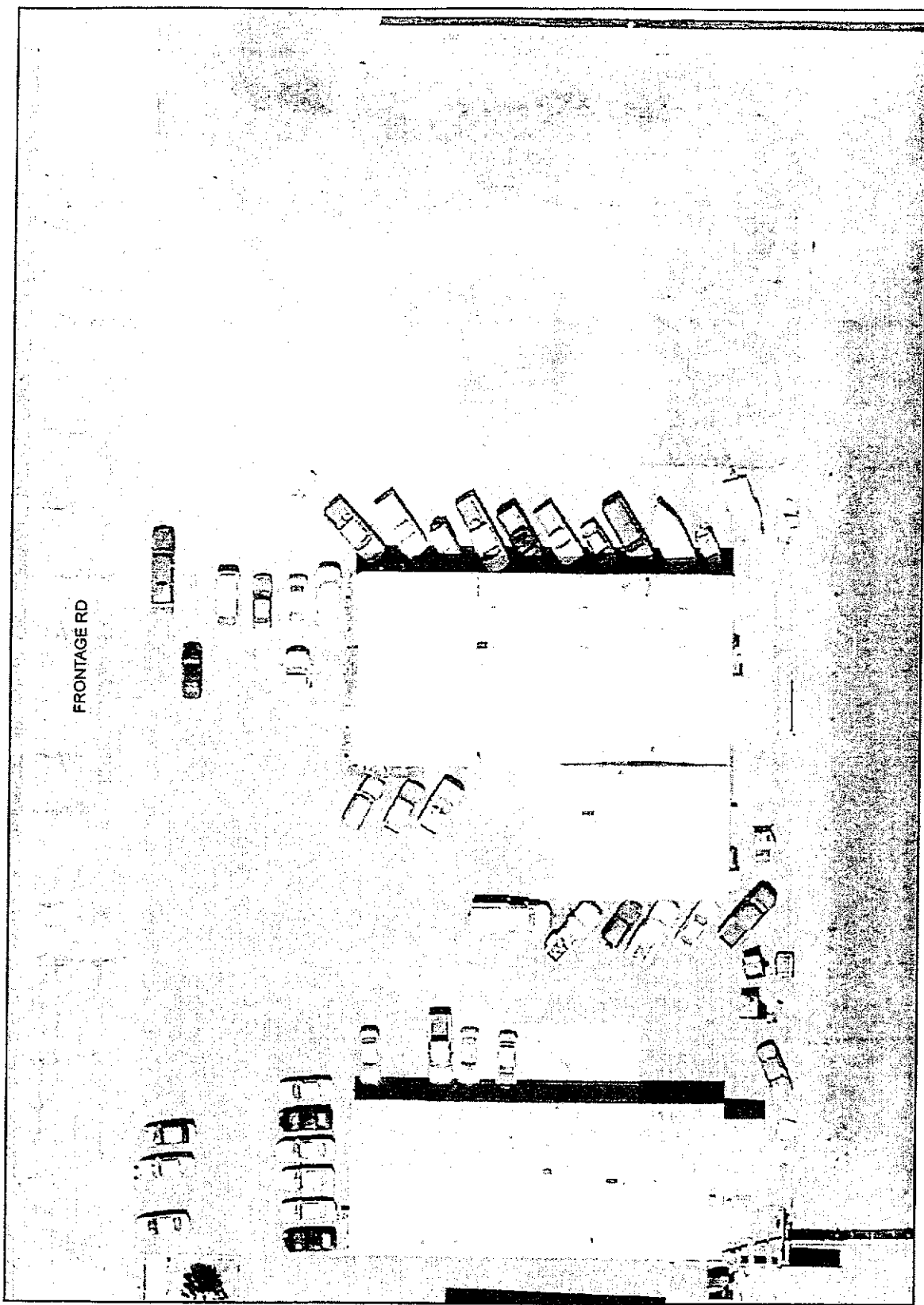

Marsha L. Morrow, City Recorder

Exhibit A

Aerial Photo of Property



FRONTAGE RD

Exhibit B

Written Testimony of Historical Use



MENDENHALL

EQUIPMENT CO.

QUALITY EQUIPMENT & SERVICE SINCE 1938

880 WEST 100 NORTH NORTH SALT LAKE, UT 84054

PHONE: 801/298-1133

FAX: 801/298-0500

Web site: www.mendenhallegroup.com

e-mail: dana@mendenhallegroup.com

6 January 2015

To: The City of Centerville,

I am writing this letter to provide the City with a history of my recollection of the parcel of property 825 S. Frontage Rd. Including the use of the vacant area which is North of the 825 S. building constructed in 1983-84.

I was involved in the purchase of Mendenhall Equipment Co in 1976 and soon thereafter the company was moved to Davis County from Utah County where we originally had a business location on South Main Street. In 1984 we moved our business to the vacant parcel after the Mendenhall Building had been constructed. This Building is now numbered as 825 S. Frontage Road in Centerville, Utah. As an owner in the Company I visited the Mendenhall Building on most business days, except for when I was on vacation or out of the state installing customer's equipment. I am familiar with the use of the Mendenhall Building as well as the use of the unpaved portion of the property between 1976 and 2004 with daily knowledge of the use of the property from 1984 until 2004.

Between 1976 and 2004 I have used the vacant area north of the Mendenhall Building to store trailers, store equipment, for employee parking, and other uses associated with my business.

With the original purchase of the company (1976) we acquired an old flatbed wood deck trailer used for transporting equipment to our client's locations. This trailer was too big to park at the Main Street location so occasionally I would leave the trailer at my house, but more often it was parked in the vacant lot at 825 S. Frontage Road. As our business grew we purchased additional flatbed wood deck trailers to service our customers and always parked them in the vacant area immediately north of the Mendenhall Building except for when they were being used to deliver equipment to our clients. We continually parked trailers in this vacant area from 1976 until 2004 when we moved to a larger building in North Salt Lake, as we had outgrown the Frontage Road location. Even though there were days that the trailers were not parked at our building, they were never gone for more than two or three weeks at a time depending on the type of equipment installation work we were performing. In general, these trailers were parked, and stored on the unpaved area north of the Building from 1976 through 2004.

When new equipment was delivered to our locations occasionally semi-trailers would arrive after business hours and would be required to park overnight in the unpaved area north of the Building. Though this did not occur daily it occurred several times a year between 1984 and 2004. Also, there were occasions when we would need to unload our warehouse for organizational purposes, or for open houses we held for clients. Often times some of the inventory we had in the Building would be stored for a temporary timeframe in the area north of the Building.

During the mid 1980s until we moved in 2004 we had between 15 and 18 employees for our company. These individuals were required to park in the unpaved area north of the Building as we did not have sufficient paved parking space for all the employees in addition to the three spots which were specifically left open for customers who came to our business to purchase parts. Occasionally, customers parked on the unpaved portion of the property, though this was infrequent and only during our "open house" events. I only remember three open house events between 1984 and 2004.

Typically our office staff parked on the paved portion of the lot and the service staff, parked there personal vehicles and some company owned vehicles on the unpaved portion. The employees used this unpaved area for parking weekly if not daily from 1984 until 2004. We even had a small strip of asphalt directly along the north side of the Building which some employees park on. However, to access this asphalt strip employees were required to drive across a portion of the unpaved area as the asphalt is only eight to ten feet wide.

I specifically remember one of my employees, Kevin Wood, who would park on the unpaved portion of the property daily because he was always selling a car he had fixed up in his spare time. Kevin was also allowed to occasionally park his camping trailer on the unpaved portion because of his involvement in the local Boy Scout Troup. Also Neil Moyes, one of the current owners of Mendenhall Equipment, always parked north of the Building from his hire date, around 1985, until 2004 when the company moved. I remember him parking there because he was trying to be in the shaded area of the property.

A portion of the building to the south of the Mendenhall building was rented to an individual who ran an ice cream delivery business called Casio or something like that. Though I don't remember the exact years when he operated his business, I do remember that during the early to mid-nineties he had two trucks and one of them was almost always parked on the north side of the Mendenhall Building in the unpaved portion of the lot.

The unpaved parking area was also used to store used wood pallets which would be given away as "free wood" or eventually taken to the county dump.

Though I can't remember every day what vehicles, trailers, or otherwise which was parked in the unpaved portion of the lot, I do know that we used that area of the lot between 1976 and 2004 for the storage of trailers on a weekly or monthly basis. Once we moved to the location our employees used the unpaved parking area daily or at least weekly, except for weekends and holidays between 1984 and 2004. The most infrequent use of the unpaved portion of the lot was the occasional storage of equipment from inside our warehouse, or which was in the process of being delivered to the warehouse. Though this infrequent use did not occur daily we still made use of the unpaved parking at least three of four times a year for temporary storage and semi-trailer parking between 1984 and 2004.

From 1984 to 2004 I never saw a 12 month time period where my business, my employees, and others did not use the unpaved parking area for storage, parking, or other typical uses as described above. I hope this has been helpful to the City of Centerville in evaluating the historical use of the unpaved area north of the Mendenhall Building.

This is what I remember during the years mentioned.

Respectfully yours,

Dana Jeppson
President

January 8 2015

To Centerville City Board of Adjustments

I Scott C. Call have been associated with Properties owned by J. D. Call Family Realty for the last 40 years. As a young boy I farmed it, and did so until Dad began putting buildings on the Property.

In the fall of 1985 I began working for Mendenhall equipment. There was still a little dark soil north of the 825 South property. In the spring of 1986 I had one last little garden before the final fill was moved in. I worked for Mendenhall Equipment till March of 1998. During my time at Mendenhall we regularly used this area north of the building to park trailers, sale old vehicles, store the old farm implements and general use as needed. Occasionally semi-trucks work park over night waiting to unload there deliveries.

In March of 1998, I started Call Climate Services, LLC. I moved into the front half of the 875 South building. In the Summer of 1998 I purchased a little Box trailer and generally kept it parked on the North lot when not in use. In 1999, My father J. David Call bought a Flat Bed trailer that we kept there also. I was recently given that trailer and it is parked there still today.

In 2002 I moved into my current location at 905 South Frontage Rd. The last year or so I have moved my box trailer behind my current location to keep people from stealing my scrape metal.

This represents a short history of my use and association with this property.

Sincerely, Scott C. Call

EC Service Inc.
Product Development and Testing

07 Jan. 2015

Re: Parking on the Vacant Lot

To Whom It May Concern:

I am familiar with this lot because it was part of my Grandfathers farm that he purchased from the Barlow's in about 1951. Through my childhood I worked and played on this ground with my Father and Grandfather. The South end of this property was a stone construction business that was owned in part by two of my Uncles. Since my earliest memories beginning in 1965, our family had farm implements, construction trucks and other items like fork lifts and cement mixers on this property.

Beginning in 1976 my father and a partner, Dana Jepson purchased Mendenhall Equipment. The business was originally housed at 3513 South Main Street in Bountiful. This location had no parking available for the company truck and trailer. As a teenager, I was occasionally given the assignment to going to the lot in question and pick up or drop off the truck and trailer for parking. I was away for 2 years from 1978 to 1980 during which time the parking was used in this fashion. When I returned I resumed part time employment with my Father's business, Mendenhall Equipment, it was obvious this parking practice continued through my absence. In 1983 when the building at 825 South Frontage road was constructed I continued working part time for Mendenhall Equipment during which time I parked on the vacant lot on the north of the building to leave the parking spots to the west of the building available for other employees and customers. This continued until 1989 when I terminated my part time employment with Mendenhall Equipment.

I continued to visit family members, purchase parts and utilize the services of Mendenhall equipment from 1989 through 2004 when Mendenhall equipment moved to their current location in North Salt Lake. In this capacity, I frequently parked or drove across the field, again to leave parking for other customers.

Since 1996 I have been utilizing a section of the family buildings for my part time personal business activities. For storage, work area etc. and during that period I was aware of parking on the vacant field, by Mendenhall equipment employees or myself. In 2003 I began more involved business activities at this site and have

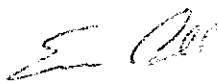
915 South Frontage Road Centerville UT, 84014
Phone: 801-296-0451 Fax 801-292-4381 www.ec-service.net

EC Service Inc.
Product Development and Testing

continued to today. During this time I have periodically parked my truck, my travel trailer, or my cars on this lot incident to my business, E.C. Service Corp.

It is my experience that this piece of ground has been used continuously since 1976 for various support activities to our family's business activities, which includes parking of cars or trucks farm implements, and trailers.

Sincerely,



Evan Call, CSM, NRM
Lab Director



CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
801.335.8842

MEMORANDUM

TO: Cassie Younger, Assistant City Planner

FROM: Lisa G. Romney, City Attorney

DATE: January 6, 2017

RE: York Automotive Conditional Use Permit for 825 South Frontage Road

I have been asked to weigh in on whether the conditional use permit application for York Automotive for property located at 825 South Frontage Road triggers bringing the vacant unimproved portion of the property into full compliance with City Ordinances. The following is provided for your consideration.

Background

The subject property for the proposed York Automotive conditional use permit located at approximately 825 South Frontage Road involves one large lot with two commercial buildings on it. In addition to the buildings, the property contains paved parking and landscaping areas, as well as a vacant unimproved area of the lot to the north of the buildings. This unimproved vacant area has been used for the parking of vehicles and equipment. The use of such area for parking does not meet current code which requires, among other standards, that all parking areas be paved. However, in 2015, the Board of Adjustment approved the legal existence of the nonconforming use of the vacant unimproved portion of the property for "the parking of licensed vehicles and farm implements" without being paved or improved.

Issue

The question has been raised as to whether the issuance of a conditional use permit for York Automotive to use one of the buildings on the lot triggers the requirement that the vacant and unimproved area of the lot be brought into compliance with current City Ordinances; i.e. paved parking, landscaping, drainage, and public improvements. The short answer is it depends.

Circumstances Requiring Improvements to Site

If approval of the York Automotive conditional use permit requires any expansion or modification of the vacant unimproved area, such as for customer parking, drive access, etc., then the issuance of the conditional use permit does trigger the requirement to bring the vacant unimproved portion of the lot into compliance with current City Ordinance requirements. This interpretation is consistent with one of the conditions of approval attached to the Board of Adjustment's decision which states that the nonconforming use of the vacant unimproved portion of the Property may remain as is, but cannot be expanded or modified without coming into full compliance with the current Zoning Ordinance and other applicable City regulations.

Circumstances Not Requiring Improvements to Site

If approval of the York Automotive conditional use permit does not require use of or any changes to the vacant unimproved area of the lot, then the issuance of the conditional use permit does not trigger the requirement to bring the vacant unimproved area into compliance with current City Ordinance requirements. Under this circumstance, the nonconforming use of the vacant unimproved portion of the lot for the parking of licensed vehicles and farm implements may continue as is. However, such nonconforming use of the vacant unimproved portion of the lot is subject to the second condition of approval attached to the Board of Adjustment's decision which states that the vacant unimproved portion of the property can only be used for parking of licensed vehicles and current farm implements related to those businesses on and/or property owners of the property.

Conclusion

Thus, improvements to the vacant unimproved portion of the property are dependent upon whether the issuance of the conditional use permit requires use of or alterations to the vacant unimproved area. If use of or alterations to the vacant unimproved area are need for the conditional use permit, then this area will need to be improved and brought into compliance with City Ordinances. If the conditional use permit can be issued without requiring use of or alteration to the vacant unimproved area, then the area will not need to be improved or brought into compliance. One solution to this issue would be to add a condition to the York Automotive conditional use permit that prohibits York Automotive, or its customers, invitees or agents, from parking any vehicles or otherwise using any portion of the vacant unimproved portion of the subject property. Or, specifying that any use of such portion of the lot will require a site plan amendment and bringing the vacant unimproved area into full compliance with City Ordinances.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/11/2017**

Item No. 3

Short Title: Public Hearing - Moto United Powersports, 940 & 960 North 950 West

Initiated By: Cameron Eggertz, Applicant

Scheduled Time: 7:30

SUBJECT

ADMINISTRATIVE DECISION

Consider the proposed Conceptual Site Plan for a powersports dealership and repair facility

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ☐ 01-11-2017 - PC Staff Report Moto United Conceptual Plan
- ☐ Conceptual Plan Moto United
- ☐ Conceptual Landscape with Color
- ☐ Moto United Elevation

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

**STAFF REPORT
AGENDA: ITEM 2**

PROJECT: MOTO UNITED POWER SPORTS
940 & 960 NORTH 950 WEST

PROPERTY OWNER: AARON SMITH
(SEE APPLICANT FOR CONTACT)

APPLICANT: CAMERON EGGERTZ
OPULENT HOLDINGS LLD
315 HILTON DR #2
ST GEORGE, UTAH 84770
CAMERON@MOTOUNITED.COM

ACREAGE: 3.19

ZONING: INDUSTRIAL - HIGH

APPLICATIONS: CONCEPTUAL SITE PLAN ACCEPTANCE

PROPOSED USE: POWERSPORTS DEALERSHIP, WAREHOUSE & REPAIR

RECOMMENDATIONS: CONSIDER ACCEPTANCE OF THE CONCEPTUAL SITE
PLAN WITH DIRECTIVES

BACKGROUND

Moto United Powersports has proposed a Conceptual Site Plan for the sale of automobiles and power sports vehicles with repair services, storage, and display on site. Moto United is interested in this property because of the high visibility and easy access from I-15 on the east side. The current zone for the property is Industrial- High Intensity, so they will need a Conditional Use Permit for the sale and repair of vehicles according to the Table of Uses. Although there are properties in use across the street on 950 North, both lots to the north and south of this property are currently empty.



CONCEPTUAL SITE PLAN REVIEW**Table of Uses Allowed – 12.36.040**

Moto United plans to sell both automobiles and power sports vehicles. According to the Zoning Ordinance “Table of Uses” (12.36.040), “Vehicle and equipment rental or sale” will need a Conditional Use Permit in an I-H zone.

General Plan - 12-430-3(2)

According to the General Plan, the best use for Centerville west of I-15 is “well-planned highway commercial manufacturing, light industrial and permanent open space”. The Plan also advises that careful consideration should be given to the appearance of development from Highway 15. Planning staff agrees that this commercial business would be an adequate fit to this part of town, and with adequate design, it would fit the city’s desire for maintained appearances along the design of I-15. Staff believes it is possible for Moto United to address these needs for the site in this area.

Development Standards Table 12.35.300

Development Standards for the Industrial-High Zone			
Development Standards	Required	Actual	Compliance
Building Standards			
Distance Between Buildings	6 feet	~100'	yes
Maximum Height	35 feet	35'	yes
Lot and Parcel Standards			
Minimum Area	None		
Minimum Frontage	50 feet	~500'	yes
Minimum Width	50 feet	272	yes
Setbacks			
Front	20 feet	20 feet	yes
Street Side Yard	None	n/a	n/a
Interior Side	0	40'	yes
Rear	0	75'	yes
Floor Area per Building, Maximum	50,000 square feet	33,000 SF	yes

Landscaping

Required Landscaping Summary, Chapter 12-51			
Guidelines	Required	Required On Site	Compliance
Total Area Landscaping	10%	13,888 SF	Yes
Total Required Trees	1 Tree per 500 square feet of landscaping	27/ 20	No
Trees for Street Frontage	1 per 25 linear feet		No
Building Frontage/Foundation	50%	North building: 30' South building: 55'	Yes
Total Interior Parking Lot Landscaping	5%	TBD	Likely
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 1 tree	16/32	No
	For every six required stalls: 2 shrubs		No

Additionally, landscaping of a 10 foot depth is required along 950 West (12.51.070.f.2), which has been provided in the plan.

The Conceptual Plan shows 26,000 square feet of landscaping, covering 18.7% of the property, which exceeds the 10% landscaping requirement for an Industrial Zone. A detailed landscaping plan must be provided in their Final Plan, and to the furthest extent possible, this landscaping must incorporate xeriscaping, using drought tolerant plants that require minimal irrigation. This landscaping plan should be designed by a landscape architect with xeriscaping experience. (12.51.070.d.1) This is not only for the responsible use of our natural resources, but there is no secondary water line near for the West Centerville neighborhood.

Screening

The property has proposed 6' block wall on the southern portion of the property that would partially screen the storage lot. Staff would recommend to the applicant to use a more aesthetically pleasing gate or fence in this area that would be pleasing to the surrounding area and future developments. (See Conditional Use Concerns and Special Regulations sections in this report).

Parking & Loading**Parking Requirement for Vehicle & Equipment Sale 12.52.300**

Use	Minimum Standard	Needed on Site
Office, general	1 space per 200 SF	TBD
Repair service	1 per 250 SF plus 1 per every 500 of additional building area	TBD
Retail, general (Display)	1 per 250 SF	TBD
Warehouse and wholesale	1 per 1,000 SF	TBD
Total Needed		~96
Total Provided		106

By their calculations, the needed parking is 98, with 106 provided, but more details on the gross area of each use needs to be given on future plans. Warehouse, office, retail and repair all have their own parking calculations to be determined. The site plan lists warehouse, office, repair and display all as uses on the property. The applicant used these in combination to calculate the parking at 1 space per 250 square feet. These should all be calculated separately according to the zoning code listed in the chart above. This final site plan should break down the area of the property by uses per square foot, these uses so a more precise parking calculation can be noted.

Off-street loading – An off-street loading dock is proposed within the storage area of their facility. Since the gross floor area is over 20,000 square feet, the site will need room for two (2) loading spaces on the site. (12.52.080.e)

Signage

No signs are currently proposed on the site, but when they are designed, all signs must follow zoning ordinances found in Chapter 12.54. However, as part of the final site plan, staff is requesting the type and location of signage be submitted.

Special Regulations

According to 12.35.080, buildings in these zones are subject to a variety of building and architectural design guidelines regarding the materiality, texture, color, and overall aesthetics that fits the context and desire for the area. The zoning code states that:

“Buildings within the industrial zones should be designed using a combination of exterior building materials that will assure attractive visual quality. All street-exposed exterior building

elevations shall be predominantly composed of the following materials: rock, stone, brick, split face concrete masonry, split face single scored masonry, or substantially similar and compatible materials....”

“All sides of buildings shall receive design consideration with particular attention given to areas exposed to public view. All buildings within a planned commercial development [...]shall possess an overall building architectural theme, including, but not limited to, exterior building materials, textures, colors and signage. The Planning Commission shall review and approve architectural design of buildings within the industrial zones in accordance with the provisions set forth herein during conditional use permit and/or site plan review”

Once architectural drawings are submitted, these standards will be applied in review for the Final Plan. The applicant should keep in mind the materiality, colors, signage, along with overall aesthetics is subject to the Commission’s approval in this zone. The applicant should give special attention to the frontages of the local streets and the highway, keeping in mind the building’s architecture and the landscaping and street design of the property.

STAFF’S CONCLUSION FOR CONCEPTUAL SITE PLAN

A conceptual site plan is merely to show how the property may be developed and staff believes the applicant has accomplished this. A final site plan application will need to be submitted to City staff with all necessary conditions being met. Utility Provider Sheets will need to be submitted verifying that applicable utility companies can service this location

CONDITIONAL USE – STAFF’S ANTICIPATED ISSUES OR CONCERNS

The site will need a Conditional Use Permit for the sale of vehicles and equipment as outlined in the Table of Uses. As outlined in 12.21.100.e.5. , the following will be considered during the review of this Permit:

- Review and assessment of the harmony of this facility with the surrounding properties in and existing uses in the vicinity.
- Economic impact of the site to the surrounding area.
- The aesthetic impact of proposed site on surrounding area – how will this site contribute to the street design of 950 West and develop in a way that is harmonious to current properties and also increase the aesthetic look and feel of the area for future development?
- Present and future requirements for transportation, water, utilities, drainage, parking, loading, lighting, screening, fire protection, pedestrian and vehicular circulation.
 - Proper circulation for test driving vehicles and storing them adequately will be considered.
- Safeguard to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from proposed facility. Noise and dust pollution may be a problem at this type of facility. Adequate screening and circulation of vehicles should be enough to mitigate potential complaints, but should be outlined in the Final Site Plan.

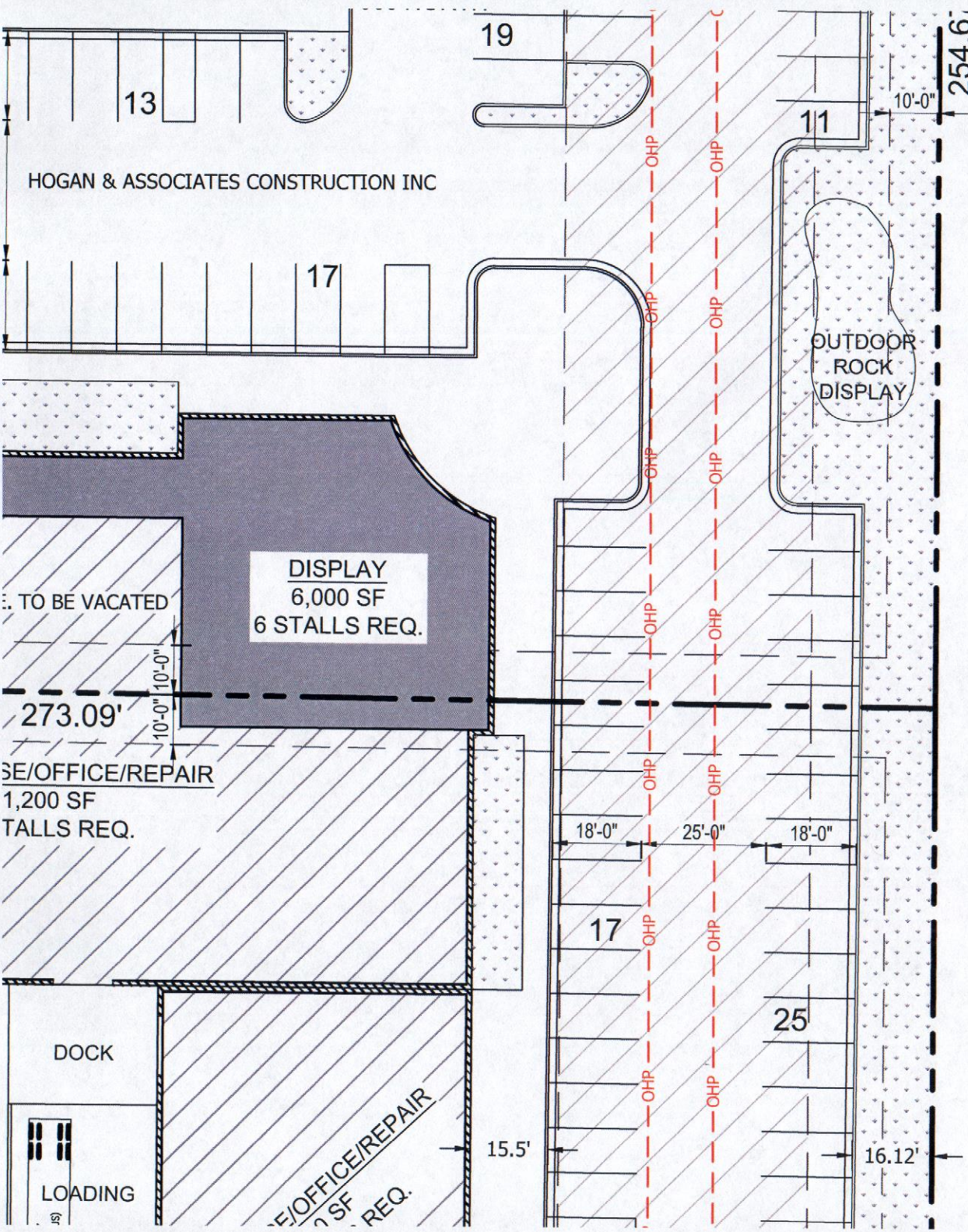
PLANNING STAFF RECOMMENDATION –
Conceptual Site Plan – Suggestion Motion for Conceptual Site Plan Acceptance

PROPOSED ACTION: I hereby make a motion for the Planning Commission to ***ACCEPT*** the Conceptual Site Plan for the Moto United Powersports Dealership on 940 and 960 North 950 West, with the following directives:

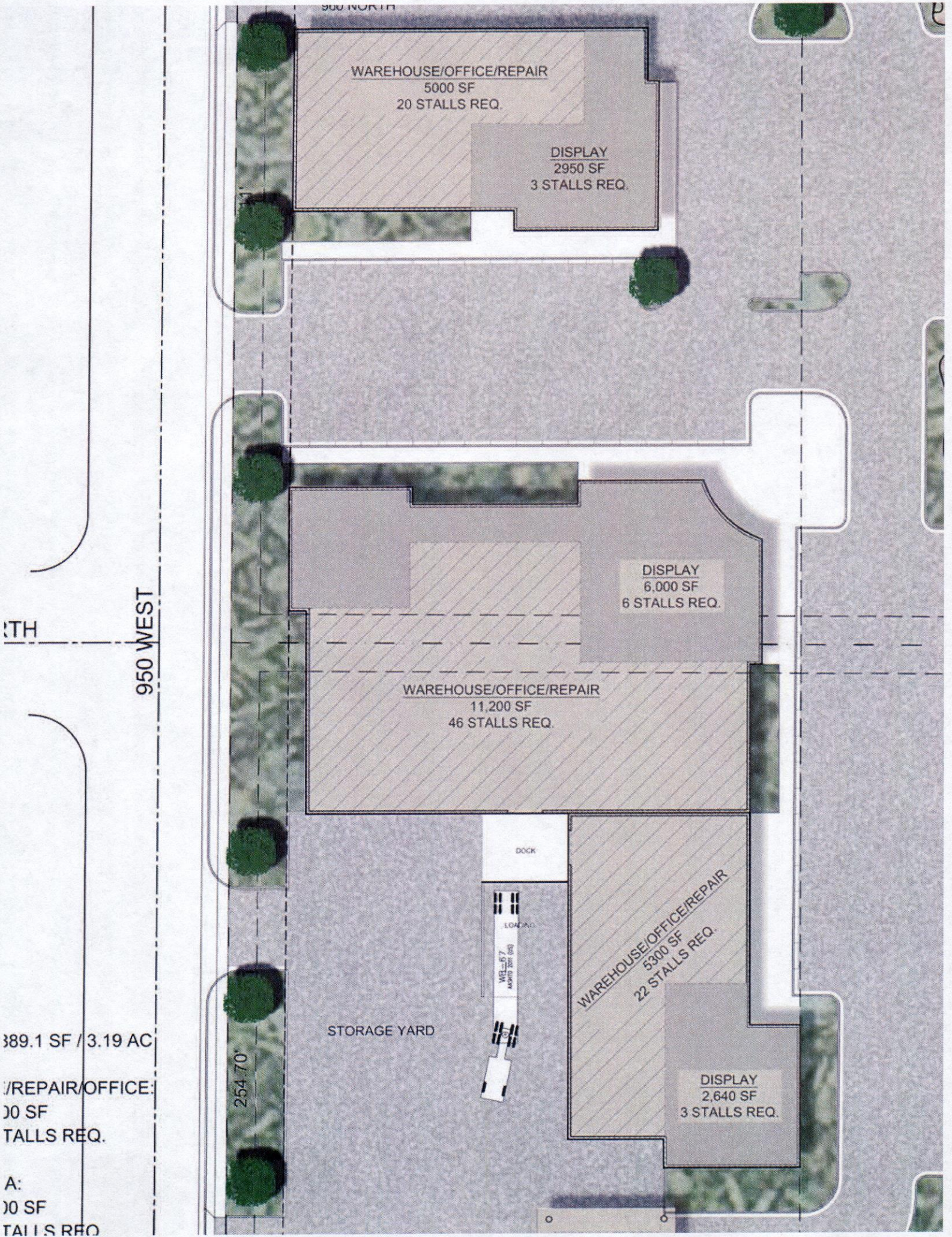
1. A final site plan application shall be submitted following the criteria found in Section 12-21-110(e)(2) of the Zoning Ordinance.
2. A conditional use permit shall be submitted following the criteria found in Section 12-21-100 of the Zoning Ordinance.
3. Architectural drawings shall be submitted with the final site plan indicating the exact material and color of the storage units. These plans must be prepared and stamped by a licensed architect and meet the Architectural Design Standards as found in Chapter 12-35 of the Zoning Ordinance
4. A complete landscape plan shall be prepared by a licensed landscape architect and follow the criteria found in Chapter 12-51 of the Zoning Ordinance. This plan shall be submitted with the final site plan and indicate the following: Type and location of all vegetation, total calculations and percentages of landscaping vegetation, and irrigation plan. Preference is given to designs and plans with xeriscaping and drought tolerant species.
5. The final plans shall indicate the location and types of all signage, which follow the codes in 12-54.
6. Ensure all utility lines are noted on the Final Plan. All applicable Utility Provider Sheets shall be submitted as part of the final site plan application.
7. Applicant will need to provide a stand-alone storm drain easement for the Northeast corner of the lot; the developer will need to provide a legal description for easement with final site plan application
8. Public Utility Easements are to be vacated in the middle of the site.
9. Area (in square footage) *per use* of the property must be provided in order to specify parking calculations set out in Chapter 12. 52.
10. Adequate fire safety measures and protections have been checked by South Davis Fire Department.

REASONS FOR ACTION

- a) The conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d) (2)].
- b) The development appears to be consistent with the goals and objectives found within the Centerville City General Plan. 12-480-3
- c) The Conceptual Site Plan that has been submitted depicts how the site could be appropriately developed and with some alteration could be designed to comply with the applicable provisions of the Industrial – High Zone and other relevant regulations, including a Conditional Use Permit, as discussed in the Planning Staff Report.



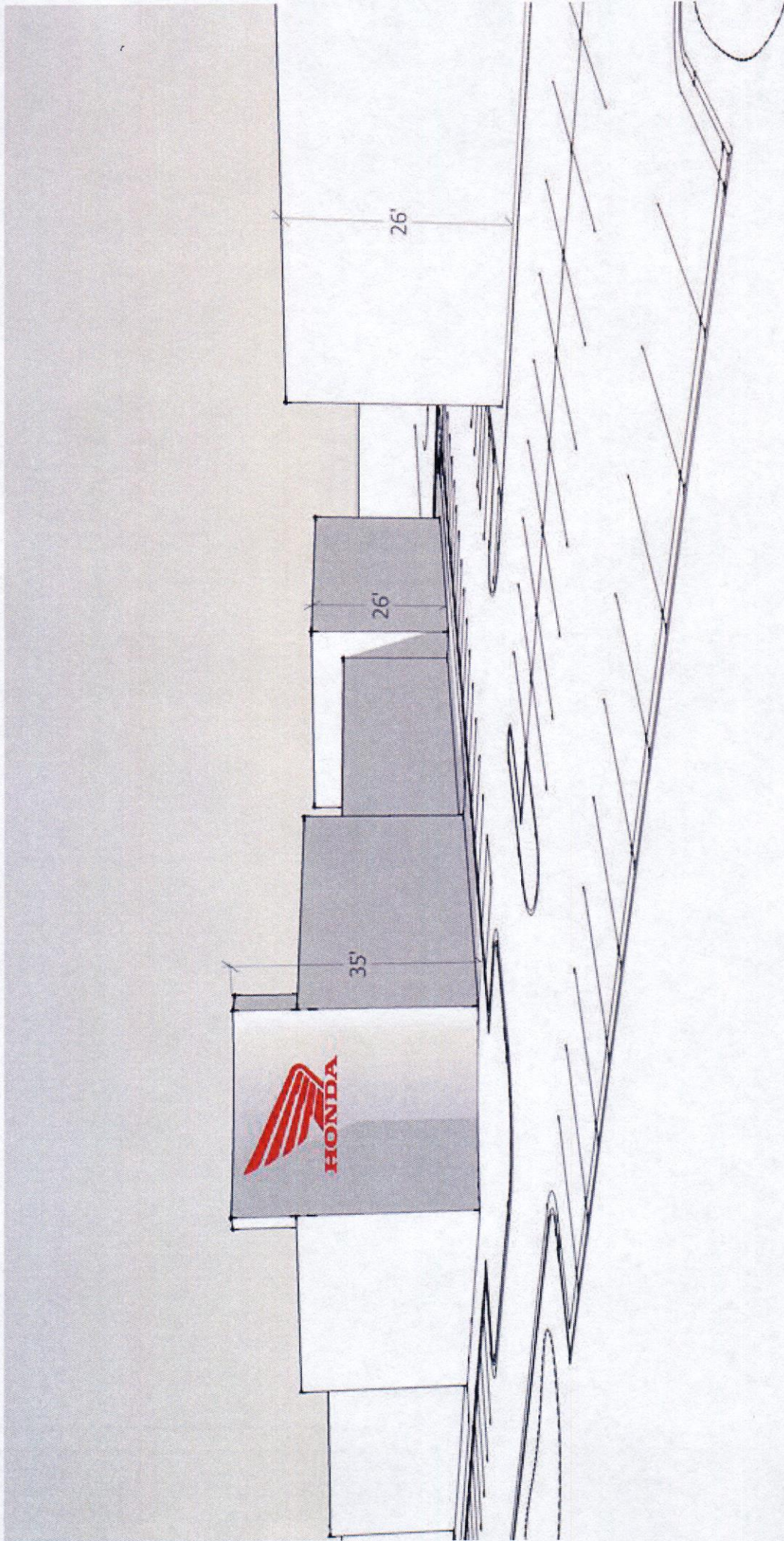
UNION PACIFIC RAILROAD



389.1 SF / 3.19 AC

WAREHOUSE/OFFICE/REPAIR:
5000 SF
20 STALLS REQ.

A:
2950 SF
3 STALLS REQ.



-E ATV

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/11/2017**

Item No. 4.

Short Title: Public Hearing - Text Amendment - Accessory Setbacks

Initiated By: City Council

Scheduled Time: 7:50

SUBJECT

LEGISLATIVE DECISION

The City Council has directed City staff and the Planning Commission to consider amending the current zoning text to increase accessory building setbacks in R-L, R-M, and R-H Zones

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ☐ 01-11-2017 PC Staff Report Accessory Building Amendments
- ☐ Previous Staff Presentation

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

**STAFF REPORT
AGENDA: ITEM 3**

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

APPLICATION: **ZONING ORDINANCE TEXT AMENDMENT**

APPLICANT REQUEST: **AMEND THE ZONING CODE REGARDING SETBACKS
FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

RECOMMENDATION: **CONSIDER RECOMENDING THE PROPOSED CHANGES
TO THE CITY COUNCIL**

BACKGROUND

In 2016, the City Council directed the Planning Commission and staff to review and consider increasing the accessory building setbacks. Additionally, the planning staff discussed the current setback issues with both the Council and Commission via a visual presentation, which has been attached with this report as a reminder. With this particular report, staff will be addressing the "Accessory Building Setbacks" for the Residential Districts consisting the R-L, R-M, and R-H Zones.

The Planning Commission should be aware that staff did not include changes to the Agricultural Low Zone (A-L), due to its peculiar and differing expectations regarding agriculture uses, such as barns, silos, arenas, etc. These types of uses and structures can be primary and well as accessory and have differing setbacks than the Residential Zones. Thus, staff believes that if there are concerns in the Agricultural Zone, then it could be addressed separately to reduce confusion during the evaluation of the Residential Districts, which are more prominent throughout the City.

PROPOSED ZONING ORDINANCE TEXT EDITS – *as drafted by Planning Staff*

- ✓ *Amend [red text] Chapter 12.32.1-Development Standards in Residential Zones as follows:*

Setback Standards – Rear Yard	R-L	R-M	R-H
<i>Accessory building – 200 square feet or less ⁴</i>	<i>3 feet</i>	<i>3 feet</i>	<i>3 feet</i>
<i>Accessory building – Greater than 200 and up to 400 square feet ⁴</i>	<i>5 feet</i>	<i>5 feet</i>	<i>5 feet</i>
<i>Accessory building – Greater than 400 square feet ⁴</i>	<i>8 feet</i>	<i>8 feet</i>	<i>8 feet</i>

⁴ Setback is measured from any interior and/or rear lot line

ZONE TEXT AMENDMENT

Factors to be Considered

The Planning Commission is to consider four (4) factors when making a recommendation and a final decision for a Zoning Ordinance Text and Map amendments. These required factors are located in Section 12.21.080(e) of Centerville City's Zoning Ordinance. The proposed changes, if approved, would apply to any property located in the listed Residential Zones above. Nonetheless, Factors Two (2) through Four (4) are related specifically to map amendments rather than text or code changes. Thus, staff's review and conclusions are limited to Factor One (1) the General Plan guidance, as provided below:

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

- ✓ ***Section 12.420, Residential Development*** – The main or prominent theme of this Section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.

Staff's Conclusion – From review of the General Plan, it is staff's position that the proposed amendment limited to the "accessory uses" typically associated with single-family development. The General Plan expectation is focused on preserving the quality of single-family development. Thus, it is staff's position that allowing for accessory uses and buildings is consistent with this desire. However, the allowance of these are always subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.

SUGGESTED MOTION AND FINDINGS

(If Recommending Approval is Desired) "I hereby make a motion to recommend APPROVAL of the proposed Zoning Ordinance Text Amendments regarding "accessory buildings" as follows:

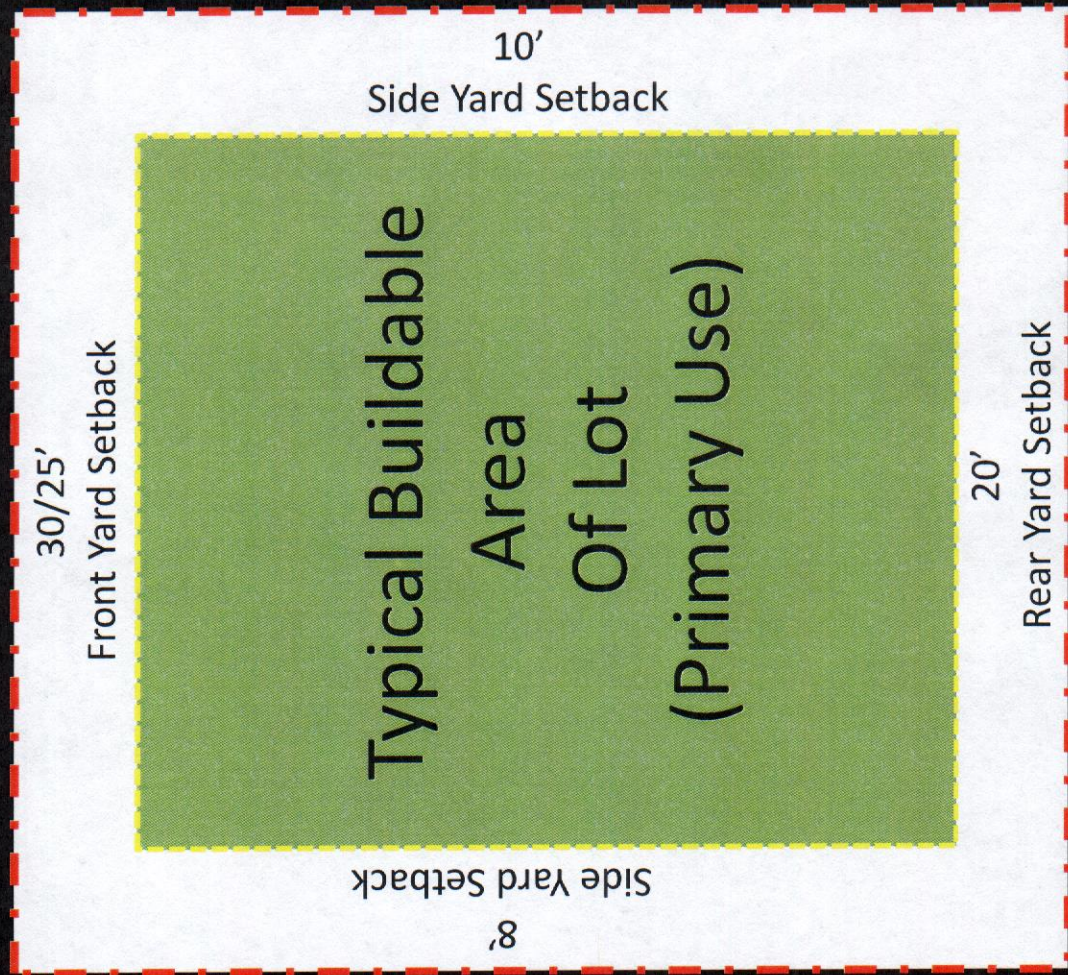
- ✓ *Amend [red, underlined text] Chapter 12.32.1-Development Standards in Residential Zones as shown in the table below:*

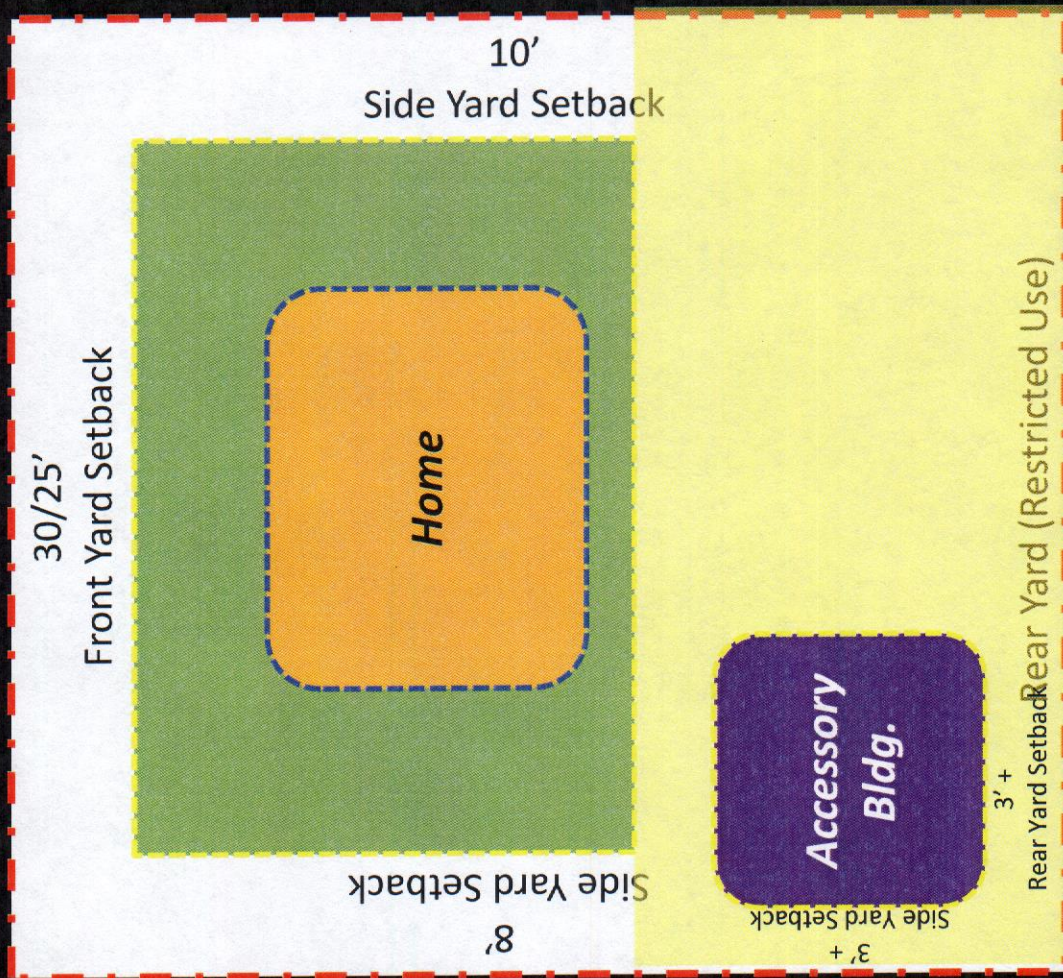
Setback Standards – Rear Yard	R-L	R-M	R-H
<u>Accessory building – 200 square feet or less</u> ⁴	<u>3 feet</u>	<u>3 feet</u>	<u>3 feet</u>
<u>Accessory building – Greater than 200 and up to 400 square feet</u> ⁴	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Accessory building – Greater than 400 square feet</u> ⁴	<u>8 feet</u>	<u>8 feet</u>	<u>8 feet</u>

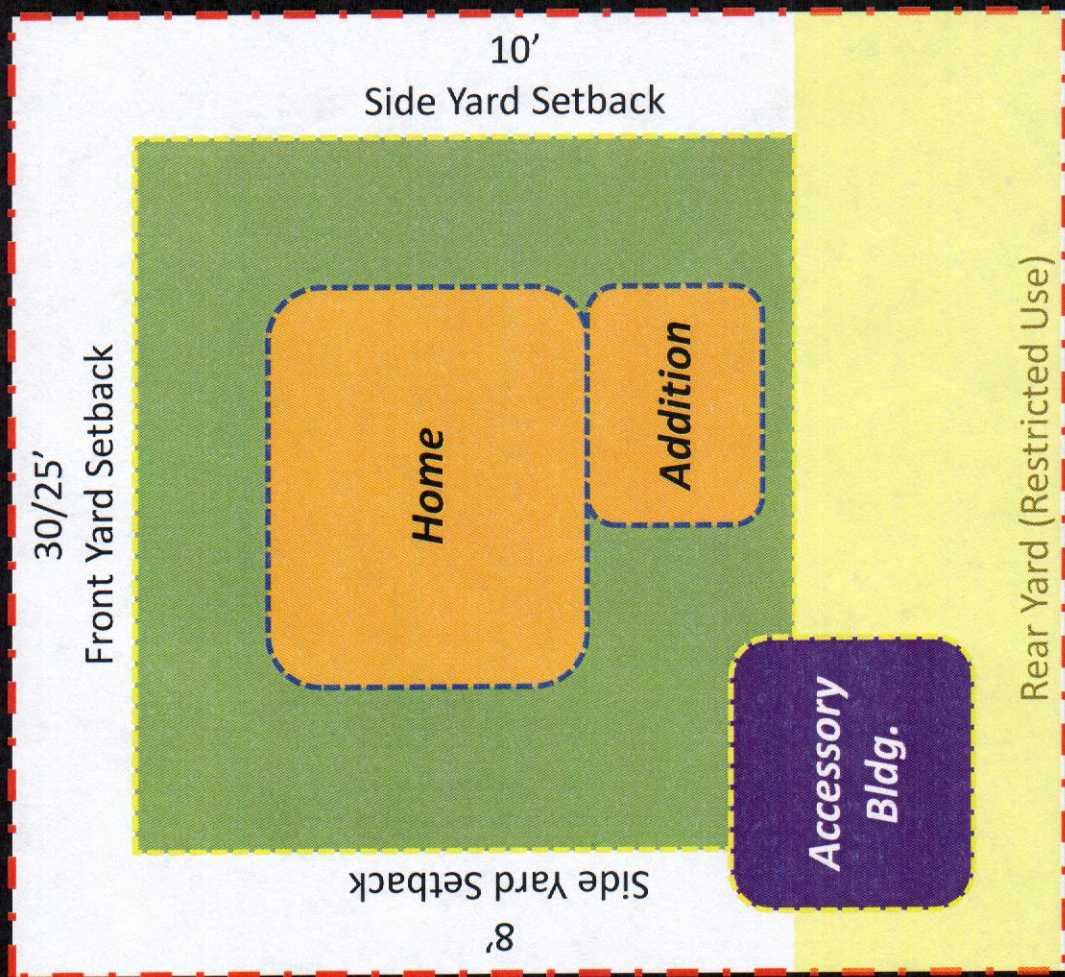
⁴ Setback is measured from any interior and/or rear lot line

Suggested Reasons for Action (findings):

- a. Section 12.420, Residential Development – The Planning Commission finds that the main or prominent theme of this Section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.
- b. The Planning Commission finds that the General Plan is focused on preserving the quality of single-family development.
- c. The Planning Commission finds that allowing for accessory uses and buildings is consistent with this desire.
- d. The Planning Commission finds that the allowance of accessory buildings is subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.
- e. Therefore, the Planning Commission finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City's Zoning Ordinance.







Typical Example Two-Story

Accessory Size :

bldg. width = 24 Feet

bldg. wall height = 16 feet

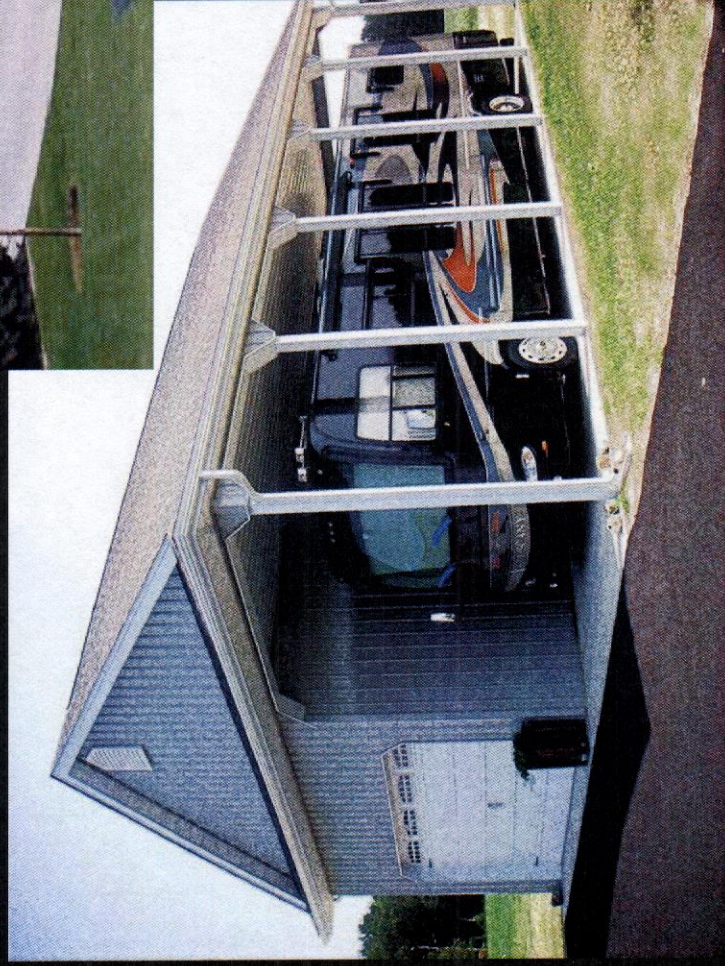
Roof Pitch vs. Height:

4/12 roof peak = 20 feet

6/12 roof peak = 22 feet

8/12 roof peak = 24 feet

12/12 roof peak = 28 feet



Subject Accessory Bldg:

Setback South Side = 14 feet

Setback West Side = 6 feet

Required Setbacks:

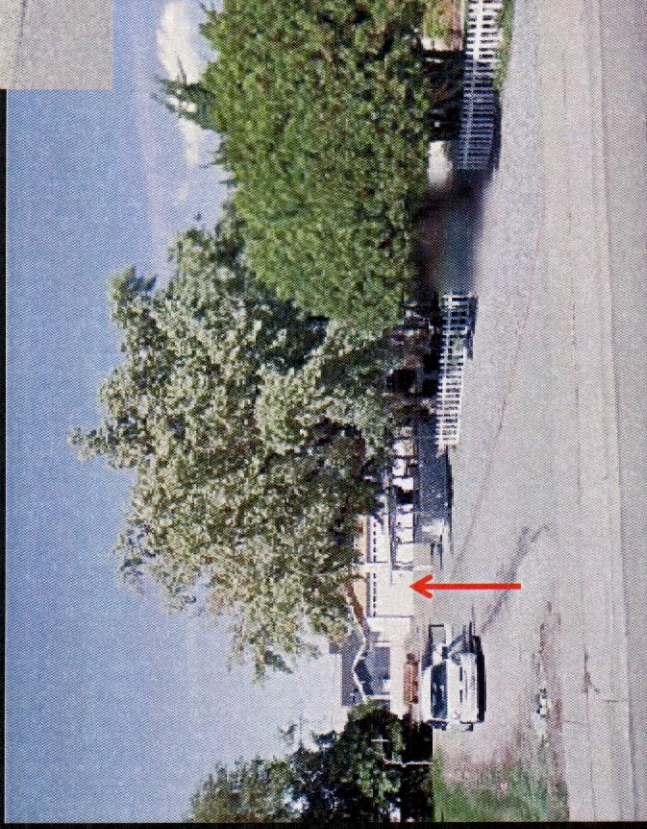
Both Sides: 5 feet (A-L Zone)

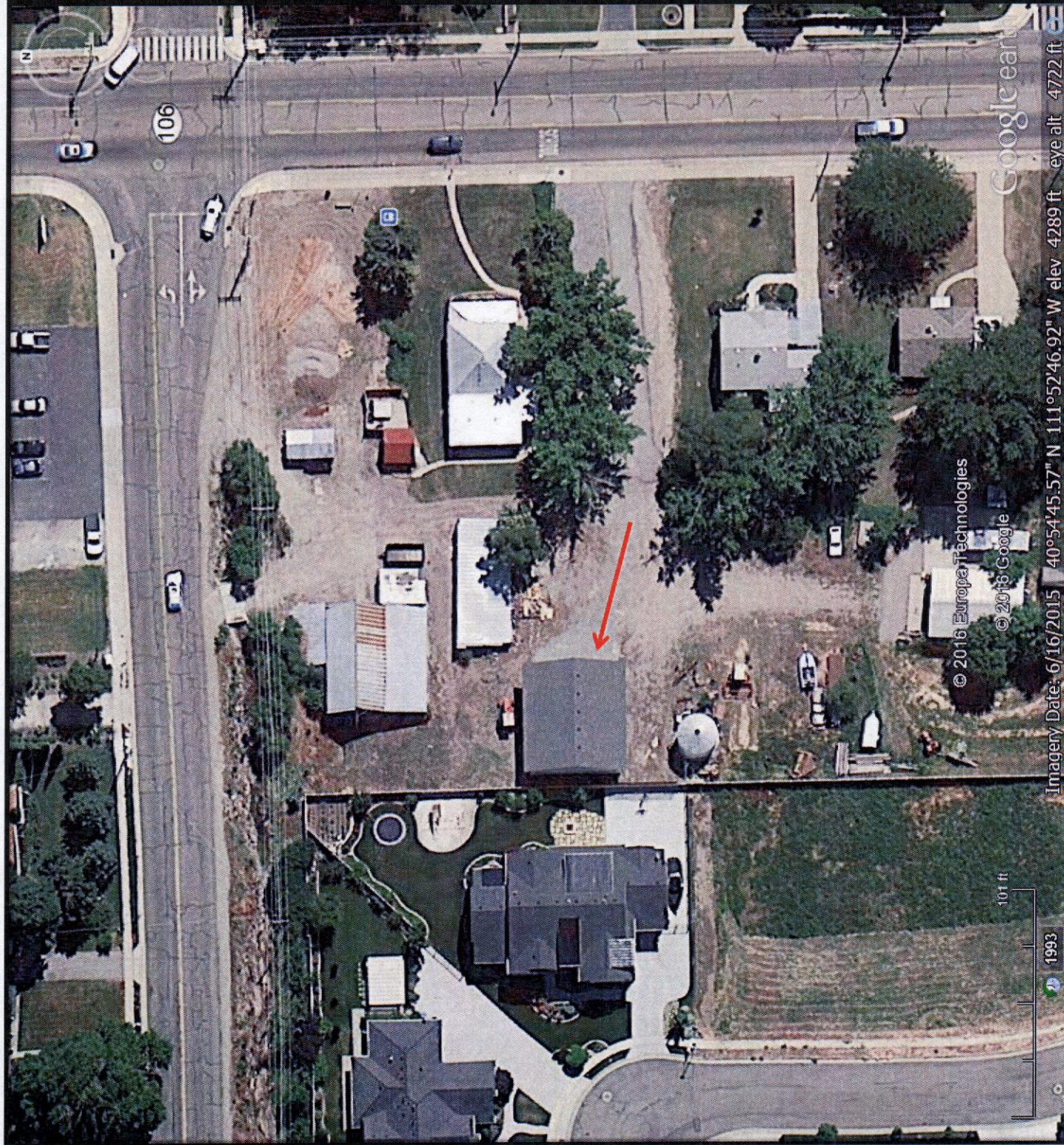
Building Height:

Avg. Height Approved: 20 feet/grade

Avg. Height Permitted: 20 feet/grade

A-L Height Increase: Allowed with a CUP approval





Google Earth

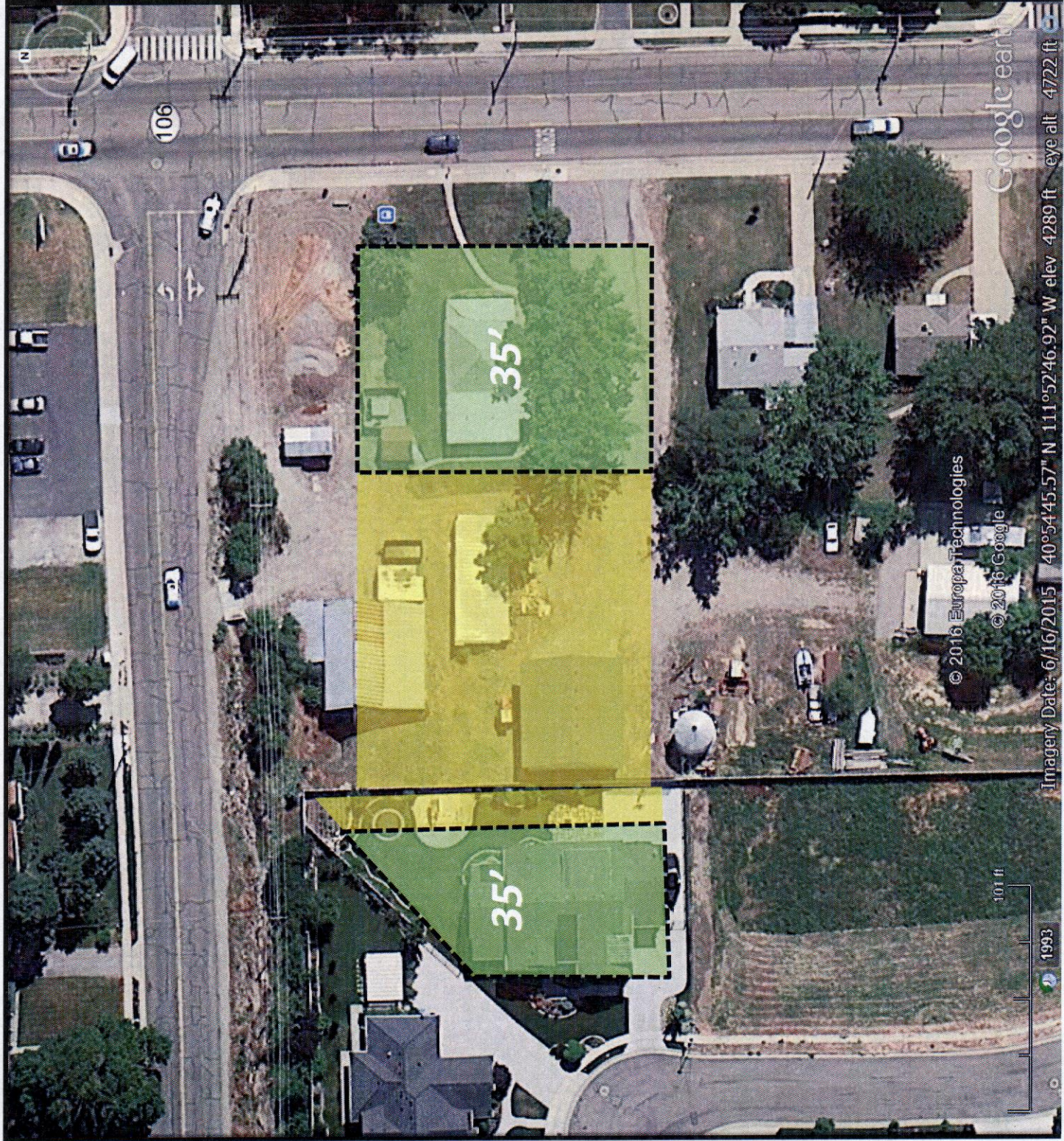
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Imagery Date: 6/16/2015 40°54'45.57" N 111°52'46.92" W elev 4289 ft eye alt 4722 ft

101 ft

1993



Google Earth

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Imagery Date: 6/16/2015 40°54'45.57" N 111°52'46.92" W elev 4289 ft eye alt 4722 ft



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Imagery Date: 6/16/2015 40°54'45.57" N 111°52'46.92" W elev 4289 ft eye alt 4722 ft



Google earth

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W 100° 20' 16" Google

Imagery Date: 6/16/2015 40° 56' 41.96" N 111° 53' 12.71" W elev 4239 ft eye alt. 4554 ft

7/8 mi 1993



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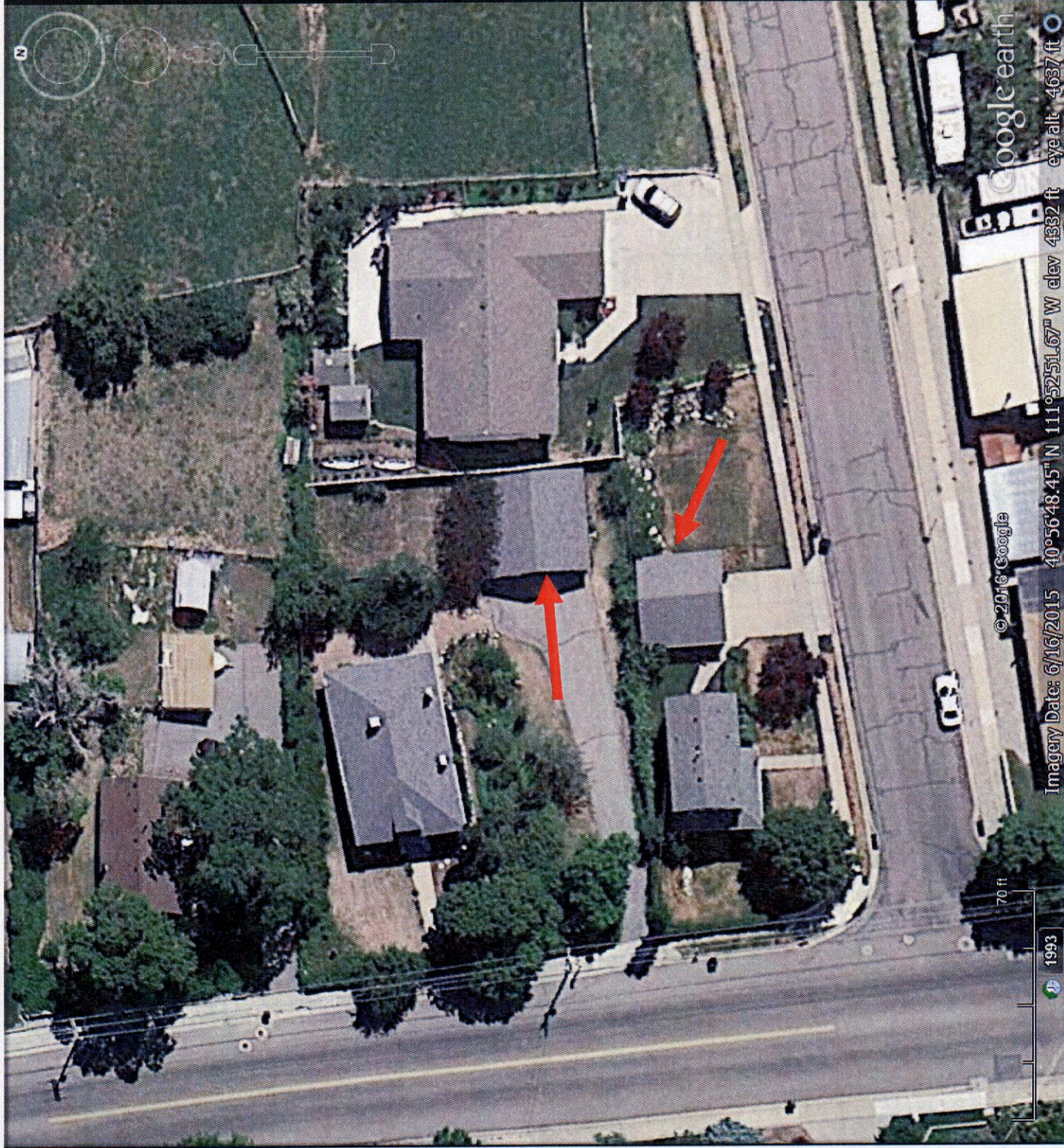
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Google earth

Churchill Drive

1993

70 ft



© 2016 Google

Imagery Date: 6/16/2015 40°56'48.45" N 111°52'51.67" W elev 4332 ft eye alt 4637 ft

70 ft

1993



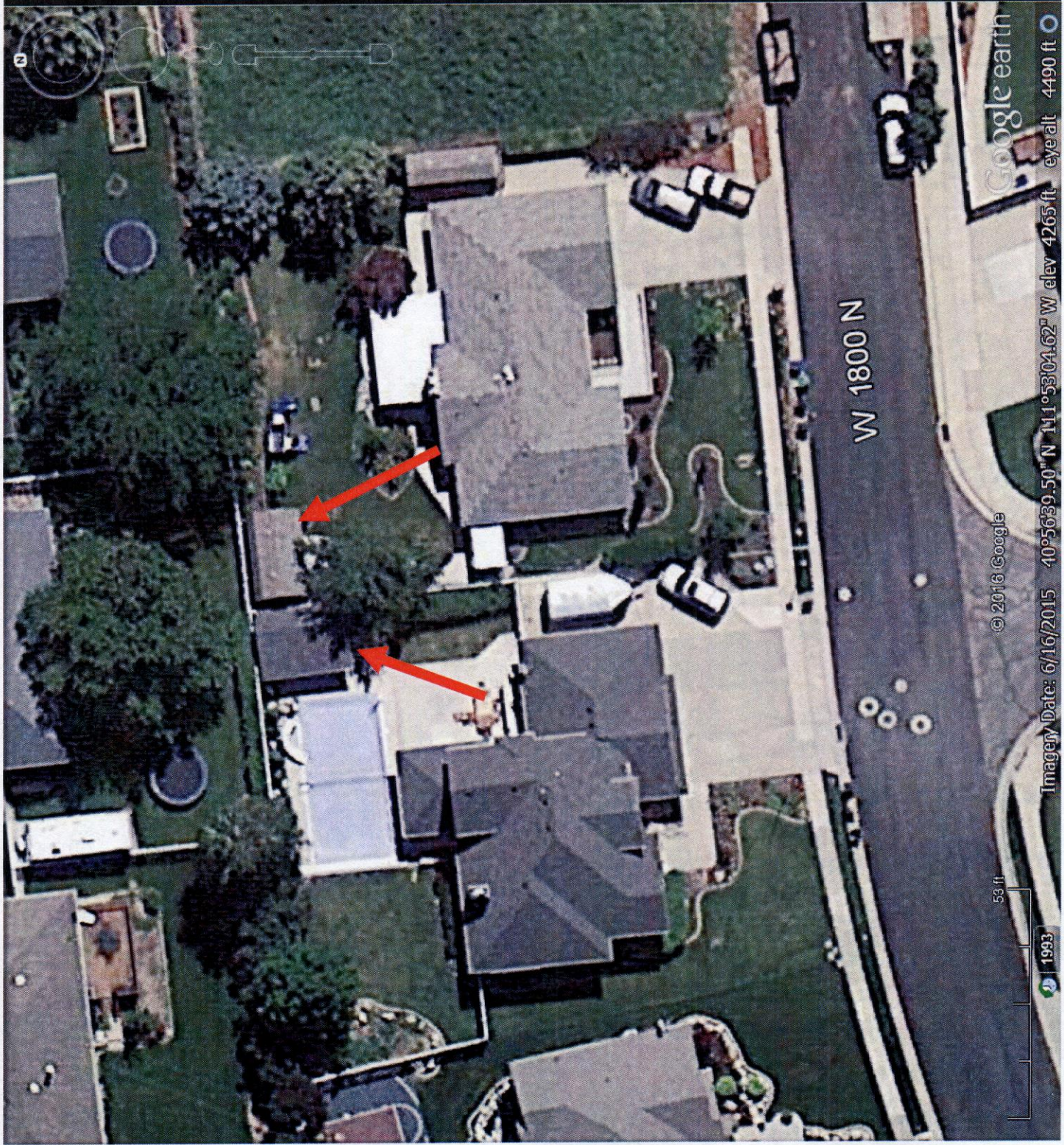
W 1800 N

© 2016 Europa Technologies

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Google earth

Imagery Date: 6/16/2015 40°56'39.51" N 111°53'06.41" W elev 4260 ft eye alt 4506 ft

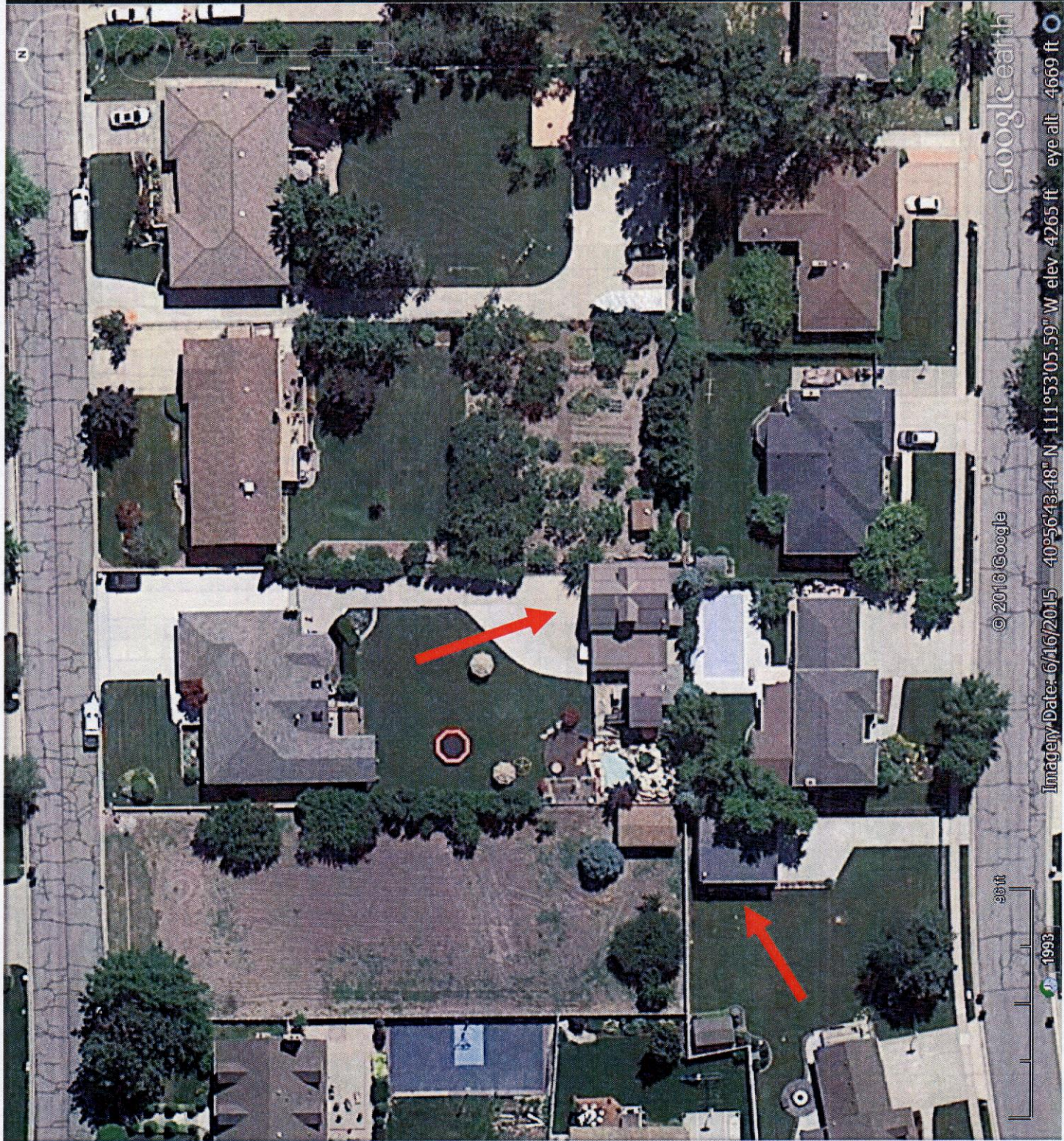


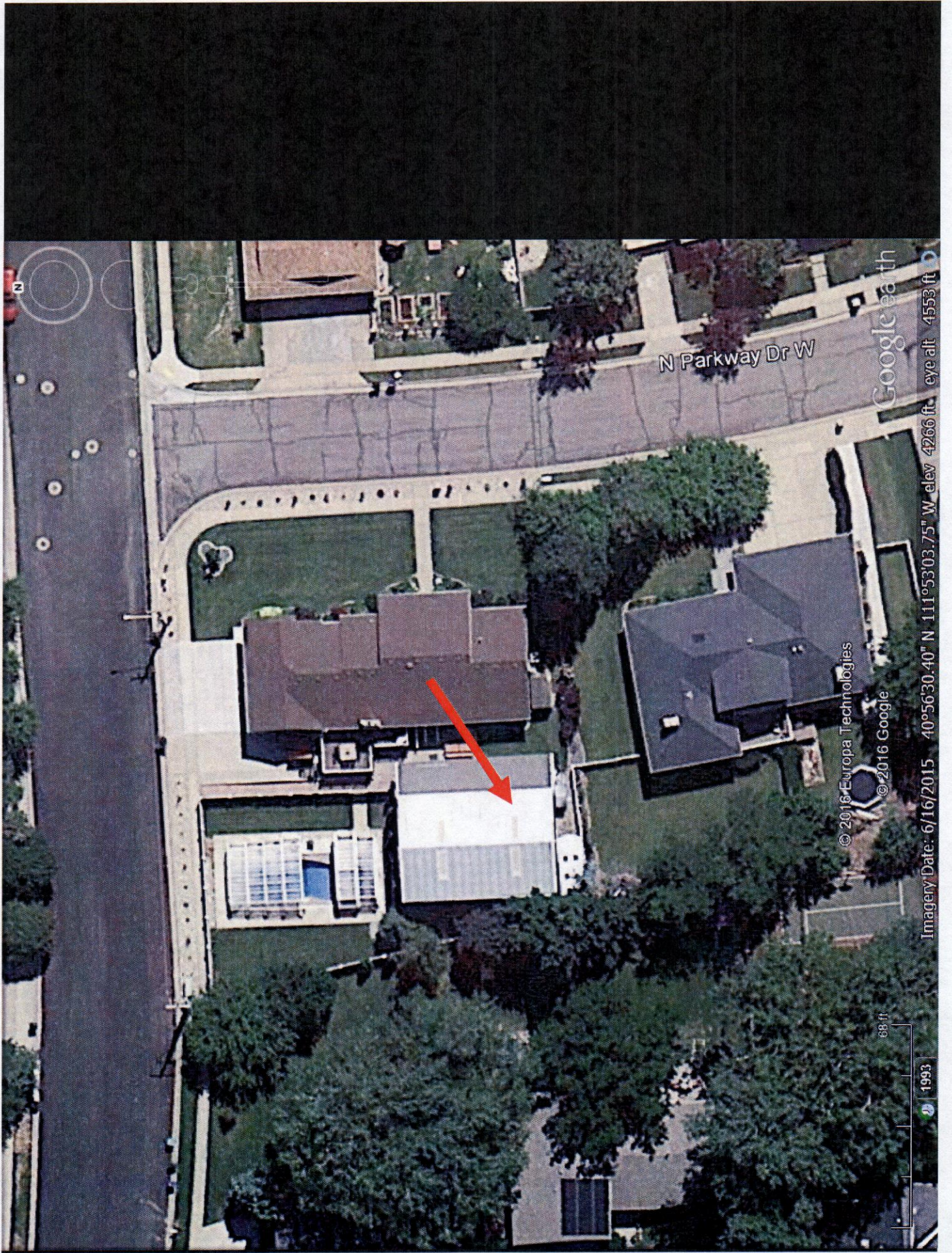
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Imagery Date: 6/16/2015 40°56'39.50" N 111°53'04.62" W elev 4265 ft eye alt 4490 ft

53 ft

1993





N Parkway Dr W

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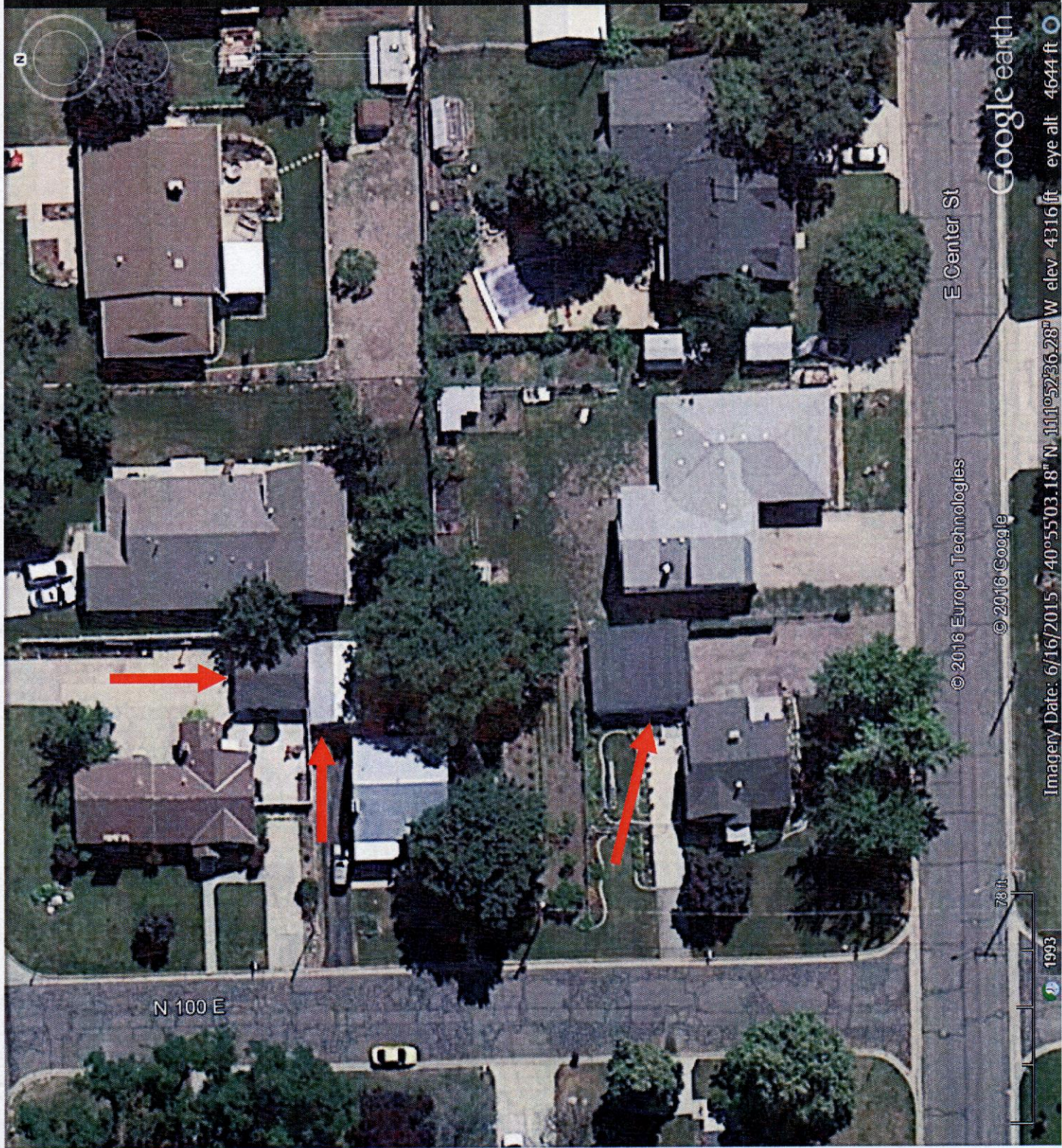
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Google earth

Imagery Date: 6/16/2015 40°56'30.40" N 111°53'03.75" W elev 4266 ft. eye alt 4553 ft

68 ft

1993



N 100 E

E Center St

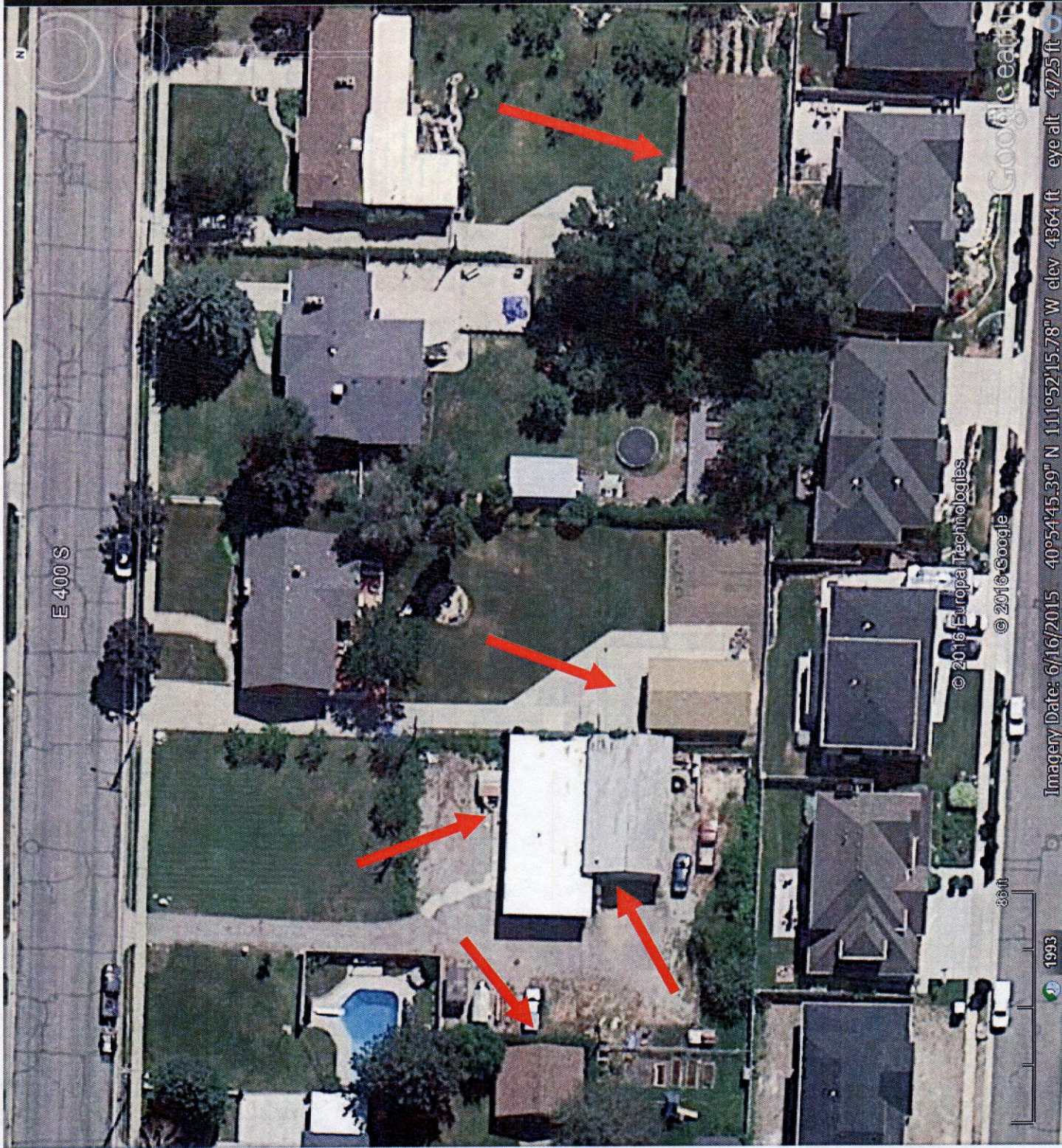
© 2016 Europa Technologies

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Google earth

Imagery Date: 6/16/2015 40°55'03.18" N 111°52'36.28" W elev 4316 ft eye alt 4644 ft

1993



Imagery Date: 6/16/2015 40°54'45.39" N 111°52'15.78" W elev 4364 ft eye alt 4725 ft

© 2016 Europa Technologies

© 2016 Google

36 ft

1993

Status of Nonconforming Structures

Any addition or expansion of non-conforming structure (regardless of size) is prohibited, unless the BOA finds the following:

- ✓ Compatible w/ adjoining property
- ✓ Not detrimental to the community
- ✓ Non-effects on traffic, value of adjacent property, and adequate utility & services

Rendering a large number of existing accessory structures would add more work and processing burden for the public, staff, and costs associated with BOA meetings, due to increasing number of cases likely to be submitted to the Board of Adjustment.

Additionally, a BOA decision allows a citizen board and adjoining property owners to fundamentally have a greater say and affect on what is happening in a private back yard, which traditionally is considered wholly a private space most distant from general public interest and scrutiny.