

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, FEBRUARY 11, 2015, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

Centerville City, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

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

Tentative Time: (The times shown below are tentative and are subject to change during the meeting)

- | | |
|-------------|--|
| 7:00 | A. WELCOME AND ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. PRAYER OR THOUGHT – Commissioner Logan Johnson
D. MINUTES REVIEW AND ACCEPTANCE – January 28, 2015
E. COMMISSION BUSINESS |
| N/A | 1. PUBLIC HEARING ZONING CODE TEXT AMENDMENT, CHAPTER 12-48 – SOUTH MAIN STREET CORRIDOR ZONE
[Applicant requested item to be postponed to February 25, 2015 Meeting]
Consider a proposed zoning code text amendment for various sections of Chapter 12-48-South Main Street Corridor Zone. Taylor Spendlove, Brighton Centerville LLC, Applicant |
| N/A | 2. PUBLIC HEARING ZONE MAP AMENDMENT FOR 74 EAST 300 SOUTH <u>AND</u> 337 EAST 400 SOUTH (ALSO LISTED AS: 91 EAST 400 SOUTH)
[Applicant requested item to be postponed to February 25, 2015 Meeting]
Consider a zone map amendment for property located at 74 East 300 South and 337 East 400 South (also listed as 91 East 400 South) from R-L (Residential-Low) to C-M (Commercial-Medium) and be placed in the South Main Street Corridor Overlay Zone (SMSC) for Walton Village Town Home Development. Taylor Spendlove, Brighton Centerville LLC, Applicant |
| 7:10 | 3. PUBLIC HEARING TRI-CITY POLAIRIS 461 SOUTH 800 WEST
Consider a conceptual site plan amending the site plan approval for Tri-City Polaris; which consists of a new fenced yard on property located at 461 South 800 West, in the C-H Zone. Bob Mason, Mason Family Partnership, Applicant |
| 7:30 | 4. PUBLIC HEARING THE PASTURE BUSINESS PARK 1275 NORTH 1300 WEST
Consider a conceptual site plan amending the site plan approval for “The Pasture Business/Industrial Park;” which consists of changes to the phasing layout and driveway location on property located at approximately 1275 North 1300 West, in the SCP Zone. Troy Salmon, Salmon HVAC, Applicant |

- 7:50 5. **PUBLIC HEARING | ZONING CODE TEXT AMENDMENT | HOUSEHOLD PETS AND KENNELS**
Consider proposed amendments to the zoning code for household pets and kennels; including the enactment of new Section 12-55-260. Centerville City, Applicant
- 8:10 6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
a. Upcoming Meetings
 • *PC Meeting February 25, 2015: Zoning Code Text Amendment for the South Main Street Corridor, Zone Map Amendment for Walton Village Town Home Development, Rohletter-Sunrise Lot Split and Rezone at 560 South 400 West, Continuation of Accessory Dwelling Units (ADUs) Continuation of Accessory Dwelling Units (ADUs),*
- 8:15 F. **ADJOURNMENT**

Posted February 6, 2015 by Community Development



PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, January 28, 2015

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

David Hirschi, Chair

Gina Hirst

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

MEMBERS ABSENT

William Ince

STAFF PRESENT

Corvin Snyder, Community Development Director

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

VISITORS

Interested Citizens (see sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Merrill

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held January 14, 2015 were reviewed. Commissioner Randall made a **motion** to approve the minutes as written. The motion was seconded by Commissioner Johnson and passed by unanimous vote (6-0).

PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-48 – SOUTH MAIN STREET CORRIDOR ZONE - Consider a proposed zoning code text amendment for various sections of Chapter 12-48-South Main Street Corridor Zone. Taylor Spendlove, Brighton Centerville LLC, Applicant.

Agenda items 1 and 2 were discussed simultaneously. See below.

**PUBLIC HEARING | ZONE MAP AMENDMENT FOR 74 EAST 300 SOUTH
AND 337 EAST 400 SOUTH - Consider a zone map amendment for property located at 74
East 300 South and 337 East 400 South from R-L (Residential-Low) to C-M (Commercial-
Medium) for Walton Village Town Home Development. Taylor Spendlove, Brighton
Centerville LLC, Applicant.**

Cory Snyder, Community Development Director, reported the applications before the Planning Commission this evening include a Zoning Code Text Amendment and a Zone Map Amendment. The applicant does have a vision for the property and would like to share this preliminary concept. However, the Commission is not reviewing the development concept because there is no official application for development at this time. This is just a look at what may be possible on the proposed site.

Nate Pugsly, Brighton Homes, said after reviewing the staff report they have decided to formally withdraw their petition for the increased lot-width and the floor area ratio. They are still seeking approval for a change in the building height from 25 feet to 35 feet. Mr. Pugsly presented their preliminary concept plan for the proposed site (85-unit mixed-use development with 220 parking spaces). This is simply an idea of what may be possible with the proposed text amendment. Brighton Homes intends to build a quality, high end mixed-use development. He explained Mr. Obrien would like to sell his property as a retirement strategy and Brighton Homes is interested in investing in this deteriorating property. The proposed preliminary concept would include residential with vaulted ceilings and high end fixtures. The base price for these owner occupied units would start around \$210,000. The development would include a homeowners association and management company to maintain the development. He said the proposed concept would remove the increasing blight of the property and this is a great opportunity to redevelop this area. He said they look forward to hearing from the Commission and the public so that this concept can evolve and change for the better.

Mr. Snyder reported the applicant desires to redevelop several properties along the east side of Main Street between 300 South and Porter Lane. As mentioned, the applicant has formally withdrawn their request for increased lot-width and floor area ratios. The applicant is requesting an amendment to the zoning text of the South Main Street Corridor Overlay Plan (SMSC) to change the building height calculations to a maximum of thirty-five (35) feet on the east side of Main Street. The proposed site is located within the Traditional Main Street District. The proposed change would effectively treat the east and west sides of Main Street equally. The east side of Main Street was originally amended due to public outcry revolving around UTA's light rail plans for Main Street.

1 Mr. Snyder explained the SMSC allows for mixed-use including commercial on Main
2 Street and residential above and behind the commercial use. This concept is already part of the
3 SMSC and permitted given the developer meets the parameters. Currently, ordinances allow 2-
4 story buildings up to a maximum of twenty-five (25) feet. Staff is supportive of the building
5 height request (3-story buildings with a 35-foot maximum) as the General Plan language desires
6 a bulking and massing of buildings to better facilitate a mixed-use development pattern. The
7 request for a 35-foot building height does not create a conflict on the east side of Main Street
8 because the existing Residential-Low (R-L) Zone just east of the proposed site already allows a
9 maximum building height of 35 feet. He also explained the need to allow for enough return on a
10 property to promote redevelopment.

11
12 Mr. Snyder reported the applicant is also requesting to include two (2) adjacent properties
13 located to the east of the proposed site (one on 300 South and one on Porter Lane) and rezone
14 these properties from Residential-Low (R-L) to Commercial-Medium (C-M). Currently, each of
15 these adjacent properties contain a small home. If rezoned, the applicant plans to demolish these
16 homes and include them in the layout of their proposed redevelopment plan. Mr. Snyder
17 explained the proposed rezone is consistent with the language of the General Plan. He also
18 explained how current zoning has been applied for this super block. The proposed rezone
19 properties are located within the half-block system per Pattern 2, a super block. Staff believes the
20 proposed rezone does not change or add to the existing transitional land use pattern from arterial
21 commercial to single-family neighborhood. In addition, the current Zoning Ordinance contains
22 regulations regarding setbacks, buffering, and so forth to minimize conflicts between these two
23 zones.

24
25 Mr. Snyder explained the proposed zone map amendment has two elements, the rezone
26 (R-L to C-M), and the expansion of the SMSC Overlay District to include the subject properties.
27 If the expansion is not allowed then the subject properties would not be eligible for mixed-use
28 development. Upon review of the published newspaper notice, it was found that the rezone was
29 the only element covered by the notice. The Commission may choose to consider the rezone at
30 this time, but the expansion of the SMSC will need to be properly noticed and considered at a
31 later date. The Commission may also choose to table this item until both elements can be
32 considered together.

33
34 Commissioner Johnson asked if the difference in building height on the west side of Main
35 Street and the east side of Main Street holds true for the entire SMSC District. He also asked for
36 more detail as to why the original 35-foot building height on the east side was diminished to the
37 current 25-foot maximum. Commissioner Randall questioned if the difference in building height
38 (west vs. east) had anything to do with the elevation change on the west side. There is a
39 significant elevation drop on the west side of Main Street. Commissioner Merrill questioned the

1 building height of the office building on Center Street and Main. He also asked for the building
2 height of City Hall.

3
4 Mr. Snyder said the difference in building height is only applied in the City Center
5 District and the Traditional District. Staff is supportive of and suggests the building height
6 adjustment (up to the 35-foot maximum) be applied to both districts. He explained there was a
7 significant amount of consternation about UTA bringing light rail down Main Street. It was
8 believed that mixed-use was a catalyst for light rail. In order to show the public that light rail was
9 not the City's intention the City Council chose to lower the building height, and subsequent
10 mixed-use intensity, to a maximum building height of 25-feet. In addition, the City Council took
11 all reference to light rail out of City ordinances. He said he believes the elevation drop on the
12 west side was probably a component of keeping the west side building height at 35 feet. He also
13 said he believes the Center Street office building to be anywhere between 20-30 feet and City
14 Hall is around the 35-foot height.

15
16 Chair Hirschi opened the public hearing.

17
18 Ann Fadel said she was supportive of the 35-foot building height on the west side until
19 the building next to her business was built. Now she knows that 35 feet is too high and opposes
20 the increase. She also suggested the west side be amended and lowered to 25 feet.

21
22 Grant Bradfield said he understands that urban sprawl is something that needs to be dealt
23 with and that Centerville needs housing options but he said the current zoning is in place for a
24 reason. He said 25 feet on the east side is adequate. It does not need to be raised so Brighton
25 Homes can build larger units. He said 35 feet will destroy the view for surrounding neighbors.
26 He also expressed concern with the amount of cars that would be brought to the area with this
27 many residential units.

28
29 Spencer Summerhays said he is a developer by trade. He understands both sides of the
30 argument. He is concerned with the proposed rezone. He said it appears there is some spot
31 zoning going on and said it sounds as though the current standards were put in place after a lot of
32 previous debate and input.

33
34 Robin Mecham said she was present during the SMSC District discussions. She said there
35 was a significant amount of public input at that time. She said staff suggested 35 feet at that time
36 and the citizens rejected it for many reasons, thus changing the height to 25 feet. She said
37 citizens do not have the same vision as staff for a building lined Main Street. She said citizens
38 would like to see more tree lined streets and single-family residential. She said 25 feet is
39 adequate. She said Main Street should be brought back to residential instead of creating more

1 commercial. She said the small homes in the neighborhoods to the east will be dwarfed by these
2 tall commercial buildings. She suggested Brighton Homes demolish the two smaller homes and
3 build nice medium-sized single-family homes as a transition to the existing neighborhoods. She
4 is not in favor of rezoning these two properties to C-M. She said the SMSC was created to
5 revitalize Main Street, not the center of the block. She said commercial uses should be kept
6 fronting on Main Street. She said the elevation change on the west side was a factor for keeping
7 the building height at 35 feet. She said Brighton Homes can still get a quality development at 25
8 feet. She also said the City is working on creating a Historic District in this area and said the
9 proposed concepts will destroy the historic nature of this area.

10
11 Paula Tanabe said she owns the property at 337 East 400 South. She said the notice lists
12 her property as the parcel to be rezoned. She said she has not been approached by anyone and
13 this property cannot be rezoned if it is not properly noticed and she, as the property owner, has
14 not been informed.

15
16 Mr. Snyder explained the actual physical address of the property to be rezoned is 91 East
17 400 South, but when a rezone petition and subsequent noticed is posted it must contain the
18 address as listed on the County record. The County record shows this property at 337 East. The
19 County record is not accurate, but staff is required by law to post it as such.

20
21 Lee Skabelund said he moved to Centerville 25 years ago because of the small
22 community and open atmosphere. He said he has been a supporter of trees for many years and
23 Centerville has great trees and great mountain views. He said he also moved to Centerville
24 because it was almost built out. He is concerned with the current trend and proposals. He said
25 larger buildings will bring congestion and will destroy the neighborhoods character. He
26 expressed concern with traffic. He said it is already difficult to travel and cross both Parrish Lane
27 and Main Street. The proposed concepts will only increase that congestion. He also said this type
28 of density and congestion will invariably bring law enforcement concerns. He suggested density
29 and intensity be lowered.

30
31 Brad Nance said he does not support the 35-foot building height. He said it is possible to
32 get adequate return on the property and a quality development with the current 25-foot
33 maximum. He said the current zoning regulations are the best for the property right now. He said
34 citizens do not want to see buildings outside their windows. He also said the half-block should be
35 interpreted as if there were a 100 East Street through this super block. That would match all the
36 other blocks within the District and would diminish the C-M area providing for more residential
37 and a greater buffer.

38

1 Jeff Warren said he is opposed to both the building height increase and the rezone of the
2 two parcels. He is disappointed that staff is so out of touch with what the current citizens desire.
3 He said the majority of the room is opposed to these proposals.
4

5 Dale McIntire said Centerville's Landmark Commission is currently in the process of
6 creating the Deuel Creek Historic District which includes this area. He said 220 parking spaces is
7 not part of historic Centerville.
8

9 Brent Hintze said it is his understanding that only landowners can petition for a rezone.
10 He said Brighton Homes is not the current landowner, so why are they able to apply for such a
11 change? He said he agrees the proposals should not be granted. The Planning Commission
12 should stay with the current zoning standards. He said Brighton Homes needs to prepare a plan
13 that fits within the current standards.
14

15 Kenny Mecham said Brighton Homes has already purchased the parcel directly across
16 from his home and he was told to not tell anyone. He said 220 parking spaces is similar to Dicks
17 Market, who has 232 parking stalls (counted them himself). He said this is too much traffic and
18 parking for this area of the city.
19

20 Doug Cobabe said he does not agree with the half block interpretation. He said there is
21 somewhat of a cul-de-sac within the super block which could diminish the half block
22 interpretation. He said the super block should not be considered allowing the half block to push
23 all the way to 100 East. He said at the very least 100 East should be the block mark thus pushing
24 the half block back toward the west.
25

26 Jennifer Turnblom said she is also against the 35-foot building height. She says she lives
27 in the shadow of the office building on Center Street and Main. This building is less than the 35-
28 foot proposal and it's too tall. She said it blocks the sun and it is even difficult to park in her
29 driveway because there is not enough buffer between this commercial use and her residential
30 use. She said commercial uses should not be extended to the east.
31

32 Ed Schirner said he lives across from this proposed redevelopment and does not want to
33 see 35-foot buildings. He would rather see trees. He said he moved here for the small community
34 and this will destroy the small community feel. He said units such as these eventually become
35 rentals which will cause the development to deteriorate over time.
36

37 Spencer Dredge said the rezone is just a way to increase the size of the development and
38 raise density. He said he does not agree with 80+ units, 220 parking spaces, and commercial uses

1 in addition. He said it is clear the public is against these proposals. He said he realizes cities need
2 to grow and redevelop, but not at this level.

3
4 Michael Randall said he is concerned with the proposed redevelopment. He said he is not
5 against commercial uses but is opposed to raising the building height. The 25-foot allowance was
6 set to deal with many of the public's concerns and after much discussion. He said the elevation
7 drop on the west side of Main makes the 35-foot allowance reasonable, but it is not reasonable
8 on the east side of Main Street. He said he disagrees with the proposed rezone because it pushes
9 commercial too far to the east.

10
11 Mike Carbaugh said he is against the 35-foot height. He does not agree with that many
12 more people and cars in this neighborhood.

13
14 Melissa Thomas said there are a lot of people who are invested in this area and love the
15 current character of the neighborhood. She said allowing this height next to these darling, little
16 older homes will destroy the historic area. She said this area is already seeing a rise in rentals and
17 allowing additional condos will only worsen that rate. She said it is harder to attract homeowners
18 who will take on an older home when there are giant apartments next door. She said the City
19 should be looking for ways to preserve this historic area and maintain the charm of the
20 neighborhood.

21
22 Pamela Sorensen said she is extremely concerned. She said an 85-unit development with
23 220 cars is too great. She said there is no guarantee these units will remain owner occupied,
24 rentals will come. She said she is against all proposals that have been presented this evening. She
25 feels there are better ways to redevelop this site. She said they moved here from California for
26 the small community and cottage homes. She said they have put their soul, money, sweat and
27 tears into this area and do not want to see such a development.

28
29 Stephanie Ivie, City Councilwoman, thanked Brighton Homes for listening to the public's
30 concerns. She is concerned with both the building height and the rezone proposals. She said 35
31 feet is too high. She said it may be true that residential zones allow for 35-foot homes, but there
32 are no homes within the adjoining neighborhoods that have a 35-foot structure. She said this
33 proposed redevelopment is close to Centerville schools and will add traffic and congestion to the
34 neighborhood putting students at risk. She said 220 parking spaces is too much. She said she is
35 concerned with extending the commercial uses any more to the east. She said it would behoove
36 the City to go back and reconsider the SMSC Plan. She said it has been a struggle to get any
37 mixed-use or commercial on Main Street. Perhaps it is time to revisit the plan and look at more
38 realistic uses. She said mixed-use may not be the best option and she will not vote for it.

39

1 Bob Ballesteros said he does not agree with the 35-foot height. He asked if the height is
2 allowed and this development does not come to pass is there a negative impact to the city? Will
3 another development come with even greater density? He said this type of development should
4 be built elsewhere.

5
6 Gary Obrien said he has owned Obrien Glass for 43 years. He is 73 years old and looking
7 to retire. Selling this property is his retirement. He said he has slowly acquired 5 properties over
8 the years and has generated 4 million in sales tax for the city. He said he paid \$13,700 in
9 property tax this past year and the County keeps raising his taxes because this is valuable
10 property. He said he has attended all meetings regarding the SMSC plan including the meeting
11 that lowered the building height to 25 feet. He said commercial uses only will not work to recoup
12 the value of this property. He said mixed-use will work but only if the 35-foot height is allowed.

13
14 Bret Millburn, County Commissioner said he lives in this neighborhood. He agreed that
15 some type of redevelopment is needed, but the key is to find the right development. He said staff
16 mentioned there is no official plan for this site, but as presented by Brighton Homes it appears
17 there is a plan. He said if this is the plan, then he is not in favor. He said he does not believe staff
18 should be advocating on behalf of the developer when it comes to putting more money in their
19 pockets. He suggested staff remain transparent. He said he has heard that Brighton Homes is
20 under contract to purchase these properties and he has also heard that Brighton Homes has
21 already purchased these properties; which is it? He said he too would like to know who has a
22 legal right to petition the City regarding these properties. He said he would like to know more
23 about the type of commercial uses that would be allowed (i.e., office, retail, restaurant, etc.). He
24 said it costs a city more to bring in a resident than it does to allow commercial. He said this type
25 of development is too dense for this neighborhood and will negatively impact traffic.

26
27 Jesse Barrus said he moved to Centerville for the same reasons as others; small
28 community. He said he is a designer by trade and is given challenges every day by his clients to
29 design within their set parameters. It is his job to do the best he can within those parameters. He
30 said Brighton Homes has a great opportunity here to listen to their clients, not only the Obrien's
31 but Centerville citizens as well. He said Brighton Homes should not be changing to parameters
32 but rather creating within those parameters. He said any design should enhance its surroundings,
33 if it does not then it is a poor design.

34
35 Sherri Zaugg said she is not against commercial development, but she is against high
36 density. She said this neighborhood is quaint and cozy and believes a small business, such as a
37 coffee shop, could be a great fit for this area. She said people want to live here and if nice
38 residential homes are built, people will come. She said small commercial could front Main Street
39 with reasonable smaller homes behind.

1 Justin Cozad said he owns 3 properties within this area. He said he would like to keep
2 this historic area intact. He is opposed to the 35-foot height and the high density. He said he is
3 not against Mr. Obrien selling his property and agrees Mr. Obrien should be able to retire, but the
4 citizens also have a right to maintain a nice neighborhood.

5
6 Cheylynn Hayman said staff's vision of Main Street is not her vision or the vision of the
7 citizens present. She does not agree with a building lined street with commercial uses down the
8 entire length. She said if the City allows the 35-foot height they cannot take it back once they
9 realize it was a poor decision.

10
11 Christina Wilcox said she lives on an acre in an 1860 family owned home. She does not
12 want to look up at a 35-foot building and she does not want the residents living in the top of that
13 building to be looking down on her. She agrees redevelopment is necessary for this area, but
14 does not agree with the 85-unit proposal. She agrees this would bring significant traffic and
15 congestion to this neighborhood and the city. She would like to see a more open development
16 with residential.

17
18 Dale Langerson said he is working with Brighton Homes and has found them to be
19 nothing but gentleman. He said staff has done their job to interpret the ordinances as they read
20 them. He said Brighton Homes has a right to ask for amendments. If the Commission denied the
21 requests, Brighton Homes could still build a mixed-use development on this site, just at a lower
22 building height. He said Brighton Homes does quality work and anything they choose to build
23 will be well done.

24
25 Stephanie Mecham said Mr. Obrien should be able to sale his property but the City does
26 not have to grant the rezone. Mr. Obrien should sell his property as is. She said if this rezone is
27 granted it could easily extend to other properties in the area including hers. She does not want a
28 McDonalds on her property.

29
30 Chair Hirschi closed the public hearing regarding the zone code text amendment for the
31 proposed 35-foot building height.

32
33 Chair Hirschi said the public hearing regarding the rezone will be continued since there
34 were some noticing issue and this item will be returning for further review and approval at the
35 next Planning Commission meeting.

36
37 Mr. Snyder responded to the public's comments. He said any property owner or property
38 owner's agent can petition the City for text amendments and/or rezones. In this case, Brighton
39 Homes is the agent for the property owner. He explained the half-block application is an

1 interpretation. The neighborhood plan policy does not call out a specific square footage, linear
2 footage, or other specific calculation for the half block. He reviewed the pattern of zoning with
3 regard to the half block and found Pattern 1 and Pattern 2 had been previously employed.
4 According to his interpretation, the proposed rezone is consistent with these patterns.

5
6 Mr. Snyder said it is unfair to state that staff is advocating for the financial benefit of the
7 developer. He said the County has an entire economic arm devoted to redevelopment, revenue
8 streams, tax streams, etc. He said he is not working to provide the developer with a significant
9 return, but as a planner, he is required to consider economic values just as the County is. He said
10 the General Plan encourages a reinvestment in Main Street. A plan adopted by the City Council,
11 of which he is not a voting member. He said he does not know what Brighton Homes requires for
12 their bottom line. All he knows is that reinvestment in Main Street is an issue and economics
13 plays a significant role.

14
15 Mr. Snyder said he too is not completely comfortable with Brighton Homes' preliminary
16 concept. He said he questions whether the plan meets all the applicable zoning requirements, but
17 that he is unable to comment on those issues as there is no formal application for development at
18 this time. He said after listening to this crowd, Brighton Homes may choose to completely
19 change their concept. Once an official application is on the table, then staff will weigh in.

20
21 Mr. Snyder said the property cannot be left as is. In its current state the property will
22 continue to deteriorate. It was mentioned that this area is seeing more and more rentals. He said
23 this is likely do to the deteriorating nature of the neighborhood. He said reinvestment in Main
24 Street will add to the stabilization of the neighborhood. He agreed this is a historic district and
25 explained the city is creating policies to preserve the historic nature by allowing reinvestment in
26 these properties including ideas such as infill and flag lot developments. These types of options
27 will preserve this area and provide additional housing options; revitalizing the neighborhood. He
28 said as a planner he looks toward the future. He said in 30 years our children, grand-children, and
29 new move-ins will have a different view of this neighborhood and a different vision for life. If
30 this property is left as is, that future generation will ask why this property was not utilized. He
31 said it is his job to balance the needs of County, State, City, current citizens, and future citizens.
32 He said there is no perfect plan and all plans are changeable. The Commission could choose to
33 reject any portion or all of the proposals. However, staff will provide their opinion on what they
34 believe will happen in the future if reinvestment is not allowed. He explained that the principles
35 behind the increased height and the proposed rezones are consistent with current City
36 Ordinances. If the City Council were to choose to change these policies so be it, but any
37 application on the table today will be judged according to the rules in place today.

1 Mr. Pugsly clarified that Brighton Homes has officially purchased the parcel on the north
2 side of the block and Brighton Homes is under contract to purchase the remaining parcels. He
3 said Brighton Homes is here to stay and assured the public they have listened to all comments
4 and will do their best to create a project that will work for this area.

5
6 Chair Hirschi made a **motion** for the Planning Commission to recommend **APPROVAL**
7 of the following proposed text amendments:

- 8
9 1. Change the Traditional and City Center Lot Zoning Regulations and related
10 development tables for building heights to match the existing west side standards to
11 allow a 35-foot maximum building height.

12
13 *Reasons for the action:*

- 14 a. The Planning Commission finds that there is General Plan policy language that
15 desires the bulking and massing of buildings to facilitate mixed-use development.
16 b. The Planning Commission finds that the height request better facilitates a mixed-use
17 development pattern.
18 c. The Planning Commission finds that in general, the lot sizes along Main Street are
19 small and need the extra mass and bulk to achieve a mixed-use pattern.
20 d. The Planning Commission further finds that since the City Center District is the focal
21 or heart of the corridor, allowing the 35-foot building height in City Center District is
22 also warranted.
23 e. The Planning Commission finds that the request for 35 feet does not create a conflict
24 on the east side of the street, because the existing R-L District located behind the area
25 already allows for the development of homes with a maximum height of 35 feet.

26
27 The motion was seconded by Commissioner Johnson.

28
29 Commissioner Kjar said he is concerned with the proposed increase in building height
30 and is not sure this is the best idea for this area. He agreed this is a quaint area with smaller
31 homes and he recognized there has been a lot of comments against the building height. He
32 agreed Brighton Homes is one of the better developers around but questioned if there is a better
33 plan for this area. He said he is sensitive to Mr. Obrien and his need and right to sell his property.
34 He also understands the need to plan for future growth.

35
36 Commissioner Randall said she is concerned with the blend or transition from Main
37 Street commercial to existing residential. She is concerned the increased building height may be
38 too significant.

39

1 Commissioner Johnson said he would like to know more about why there is a difference
2 in building height between the east and the west sides of Main Street. He would like to
3 understand the discussions that took place which lowered the original building height from the
4 35 feet to 25 feet on the east side.

5
6 Commissioner Hirst said she is also concerned with the blend or transition from
7 commercial to the existing residential to the east. She is concerned with the impact this
8 development may have on local schools and traffic. She too would like more information on the
9 original discussions regarding the reduction in building height.

10
11 Chair Hirschi agreed more information would be beneficial in making this decision. He
12 too would like to understand why there is a difference in building heights from east to west.

13
14 Commissioner Kjar asked if it is possible to graduate the building height from
15 commercial on Main Street down as the development moves toward the existing residential to
16 the east. He questioned if it is possible to allow 35-foot buildings only on Main Streets frontage
17 then diminishing the building height as the development moves eastward. This could possibly
18 create an acceptable transition.

19
20 Mr. Snyder said the Commission can direct staff to provide additional information. The
21 Commission can also choose to modify the petition or recommend edits. With additional
22 information the Commission could further review the half-block ratios, transitions, and buffers.

23
24 Commissioner Hirst made a motion to **TABLE** Chair Hirschi's original motion regarding
25 building heights until the next Planning Commission meeting to be held on February 11, 2015
26 and to direct staff to bring back additional information for review, including elevation points
27 from east to west, written minutes and history on the decision to lower building heights on the
28 east, and current building heights on Bountiful City's Main Street. The motion was seconded by
29 Commissioner Johnson and passed by unanimous roll-call vote (6-0).

30
31 Chair Hirschi made a **motion** for the Planning Commission to recommend **DENIAL** of
32 the following proposed text amendments:

- 33
34 1. Any changes to the Floor Area Ratios or Lot Dimensions, as proposed by the
35 petitioner.

36
37 The motion was seconded by Commissioner Johnson and passed by unanimous roll-call
38 vote (6-0).

39

1 Chair Hirschi made a **motion** for the Planning Commission to **TABLE** the proposed
2 Zone Map Amendment and continue the public hearing until the next Planning Commission
3 meeting to be held on February 11, 2015. The motion was seconded by Commissioner Merrill
4 and passed by unanimous roll-call vote (6-0).

5
6 **PUBLIC HEARING | PARK HILLS PHASE 3 SUBDIVISION, 2130 NORTH**
7 **ROCK MANOR DRIVE - Consider a preliminary subdivision plan for Park Hills Phase 3**
8 **Subdivision, which consists of 3 building lots, to be located at approximately 2130 North**
9 **Rock Manor Drive. Daren & Kara Burnett, Rock Manor Trust, Applicants.**

10
11 Cory Snyder, Community Development Director, reported the Planning Commission
12 previously accepted the conceptual site plan for the Park Hills Phase 3 Subdivision. Phase 3
13 consists of two developed lots and a larger remnant parcel that will not be utilized at this time.
14 The proposed lots are found within the Residential-Low (R-L) Zone and are in harmony with the
15 General Plan and the Subdivision Ordinances. Each lot depicted has adequate street frontage,
16 buildable area and setbacks as required. The street, Rock Manor Drive, has been developed but
17 not dedicated. Rock Manor Drive must be dedicated with the completion of Phase 3. In addition
18 the applicant will be required, per Subdivision Ordinance, to receive conceptual, preliminary,
19 and final site plan approvals from the Planning Commission. Due to confusion of the conceptual
20 plan Lot 2 and Lot 3 are now switched on the plat so Lot 3 is now the remaining parcel.

21
22 Mr. Snyder reviewed the conditions set forth during conceptual site plan approval. The
23 majority of the conditions have been met. All conditions will be required during the final site
24 plan approval process. The applicant will still be required to post all necessary bonds as assessed
25 by the City Engineer. The applicant will be required to submit a drainage plan, fire hydrant
26 location, and buildable pad for Lot 1. The City Engineer is concerned with drainage from Lot 2
27 toward the west. The City Engineer has requested a detention basin for this purpose. Proper
28 easements for each lot, a current title report, and a legal description of the street dedication will
29 all be required during final site plan approval. Finally, the applicant will be required to complete
30 a new 4-foot wide sidewalk along the east side of Rock Manor Drive in front of Lot 1. This will
31 be done after a home is constructed in order to avoid damage during construction and waste of
32 resources. This should not have a negative impact on the community since a bond will be posted
33 and an agreement signed by the applicant regarding the sidewalk.

34
35 Chair Hirschi opened the public hearing.

36
37 Stephanie Ivie, City Councilwoman, said she is sad to see a good neighbor move, but is
38 excited for him to build a new home on one of the proposed building sites.
39

Chair Hirschi closed the public hearing.

Commissioner Randall questioned what will become of the remnant parcel. Mr. Snyder said staff has studied the remnant carefully and there are future development possibilities.

Commissioner Hirst made a **motion** for the Planning Commission to approve the preliminary subdivision plan for the proposed Park Hills Phase 3 Subdivision, located at 2130 North Rock Manor Drive, subject to the following:

Conditions:

1. Lot 2 depicted on the preliminary site plan shall be relabeled as to state: remnant parcel for future development.
2. Lot 3 depicted on the preliminary site plan shall be relabeled as Lot 2.
3. A bond shall be posted for all public infrastructure and utility work to be conducted.
4. An agreement shall be signed with the applicant that they shall be responsible to place the sidewalk on Lot 1 as part of the construction of a new single-family dwelling on the same lot.
5. Lot 1 shall depict a drainage plan and the buildable area as part of the final submittal and shall be reviewed by City staff.
6. Public utility easements on both Lot 1 and 2 shall be found on three sides with the front being 10 feet and two other sides at 7 feet.
7. A detention basin shall be created in the back of Lot 2 to allow water to slowly percolate into the ground and not flow on to adjacent property. This drainage swell shall be review and approved by the City Engineer as part of the final subdivision process.
8. The fire hydrant located on the northwest corner of Lot 1 shall be indicated.
9. Legal descriptions shall be submitted for the street dedication and shall be reviewed as part of the final subdivision process by City staff.
10. A current title report shall be submitted and reviewed by staff as part of the final subdivision process.
11. The applicant shall submit the final subdivision application following all applicable criteria in Chapter 15-4 of the Subdivision Ordinance.

Reasons for the Action (Findings):

1. The preliminary subdivision 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 be satisfied [Table 12-32-1].
4. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
5. All applicable standards found in the Subdivision Ordinance pertaining to a preliminary subdivision application have been satisfied [Chapter 15-3].

The motion was seconded by Chair Hirschi and passed by unanimous vote (6-0).

**PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 –
ACCESSORY DWELLING UNITS (ADUs) - Consider a proposed zoning code text
amendment to Chapter 12-60-Accessory Dwelling Units (ADUs), by adding new regulations
to this chapter. Centerville City, Applicant.**

Mr. Snyder, Community Development Director, reported the Planning Commission has held some public discussion meetings to assess the possibility of allowing accessory dwelling units (ADUs) as part of the housing options within the city. Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. Concerns discussed have included allowing detached ADUs (units constructed separately from the primary dwelling) and aesthetic design standards.

Staff has prepared a draft ordinance using typical standards found throughout many Utah cities. Some provisions have been modified or altered to reflect Centerville's Zoning Ordinance style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville City. Mr. Snyder reviewed each section of the draft ordinance with the Commission including termination, design, parking, exemptions, occupancy, etc. Staff believes the proposed draft is consistent with the City's Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards. The proposed draft includes compatibly elements to maintain neighborhood characteristics including ADUs as subordinate to the primary use, owner occupancy requirements, location and size limitations, and design expectations. The proposed draft also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties. Such elements provide self-contained on-site needs to minimize off-site conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to assess the potential impacts and set conditions to mitigate concerns or potential problems.

Mr. Snyder explained as part of any development proposal, from single-family subdivisions to large commercial development, the City has adopted "impact fees." Impact fees are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees

1 cover items such as water lines and meters, storm drains, fire service, and even for providing
2 parks. Since ADUs may create added demands for some services, it may not always be the case
3 for other such services. The concept of ADUs are to capitalize an opportunity to use existing
4 single-family style developments and associated infrastructure to keep costs down but increase
5 the opportunity to find housing options. Charging a full service impact fee to an ADU may be a
6 dis-incentive and may not be a flawless balance between the actual impact and the end user of an
7 ADU. The Commission and Council need to consider this as part of any decision to allow ADUs
8 in the City.

9
10 Commissioner Randall said her biggest concern is parking. This is often the reason a
11 neighbor will report an illegal ADU. She questioned if one additional parking space was
12 adequate for an ADU. Mr. Snyder said the Commission could increase the required parking to 2
13 spaces, but staff believes it may not be necessary for a maximum 800 square feet dwelling.

14
15 Chair Hirschi opened the public hearing.

16
17 Dale Langerson said he has read the proposed ADU draft and is accepting of the
18 document. He likes that the parking is behind the setback and believes this will help with
19 alleviate parking concerns. He likes that the draft requires ADUs to have their own meters but
20 that both meters must be in the property owner's name. He believes if ADUs are done right they
21 are a benefit to the community.

22
23 Stephanie Ivie, City Councilwoman, said she is glad to see the ADU issue come to this
24 point. She agrees ADUs should be legal with set parameters. She is concerned the proposed draft
25 may be a bit more restrictive than she would like. She does appreciate the owner occupancy
26 requirement.

27
28 Lee Skabelund said legalizing ADUs has been a long time coming. He said ADUs can
29 work out nicely for a community and provide cohesiveness when done right. He said ADUs
30 provide housing options for citizens who do not want to leave their large homes but need
31 supplemental income to keep it and citizens who would like a smaller more reasonable place to
32 live or elderly who do not want to live in a facility. He said ADUs need to have their own
33 parking and entrance and separate heating, bathroom, kitchen and fire protection. He said ADUs
34 increase diversity which keeps a community healthy.

35
36 Chair Hirschi made a **motion** for the Planning Commission to **TABLE** this matter and the
37 public hearing until the Planning Commission meeting to be held on February 25, 2015. The
38 motion was seconded by Commissioner Hirst and passed by unanimous vote (6-0).

39

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be Wednesday, February 11, 2015.
2. Upcoming Agenda Items
 - Household Pets & Kennels
 - The Pastures, Phase 1, amended site plan
 - Tri-City Polaris, amended site plan
 - Accessory Dwelling Units

The meeting was adjourned at 10:10 p.m.

David Hirschi, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

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

**STAFF REPORT
AGENDA: ITEM 3**

**APPLICANT/OWNER: BOB MASON
 MASON FAMILY PARTNERSHIP
 PO BOX 518
 CENTERVILLE, UT 84014**

PROJECT: TRI-CITY AMENDED SITE PLAN

PROPERTY: 461 SOUTH 800 WEST

ACREAGE: .69 ACRES

ZONING: COMMERCIAL-HIGH (C-H) ZONE

APPLICATION: AMENDED CONCEPTUAL SITE PLAN

RECOMMENDATION: ACCEPT THE AMENDED SITE PLAN

BACKGROUND

In November of 2013, Mr. Mason came to the City for a site amendment to add on to his existing building located at 461 South 800 West. At that time, it was discovered that the property south of his building was never approved as part of the original site plan in 1996. Since staff was notified of a violation, no additional alterations could take place until the violation was addressed. A Notice of Violation was sent to Mr. Mason and he requested an extension of time in order to have Elliot R. Lawrence, an ombudsman for the State of Utah review the case. In July of 2014, Mr. Lawrence made an opinion stating that no approval of use for storage was evident. With this decision, Mr. Mason chose to forgo development and use of the land to the south, and move his equipment east of his building. The property to the east is also owned by Mr. Mason, yet is a separate parcel. Mr. Mason will be combining the two lots under one parcel ID number with the Davis County Recorder's Office, which will allow him to receive an amended site plan for the entire lot. His proposal is to utilize the east lot for storage and display. According to Section 12-21-110(i)(3) of the Zoning Ordinance, an amendment must follow the same procedure as the original approval. Therefore, they will be required to go through conceptual and final review by the Planning Commission.

PREVIOUS REVIEW AND APPROVALS

In reviewing the minutes of the August 1996 approvals, it appears the applicant wanted to utilize

the lot to the east in relation to his existing lot. However, only a small portion of the parking lot was allowed, which is located directly behind the building. The conditions of approval state that no further expansion east of the approved lot shall take place without proper City review and approval. Although Mr. Mason had planted some landscaping along Porter Lane in front of the east lot, the Planning Commission believed that no additional improvements could be made.

PROPOSED ALTERTATION

Site Expansion

Staff has advised Mr. Mason to combine his main lot along the Frontage Road with his lot to the east, which is now considered undeveloped. This would allow Mr. Mason to have one parcel ID number and fall under the amendment process. This will need to take place at the Davis County Recorder's Office. A copy will then be submitted to the City as part of the final site plan application.

Use

The storage and display area will consist of equipment and excess product to be sold. This use would be considered secondary and would be allowed for this property. According to Section 12-34-080(d)(2) of the Zoning Ordinance, outdoor storage is allowed with an approved site plan and if it is 50 feet away from a residential area, which would not be a concern.

Screening

The storage area must be screened from view with an opaque fence or wall (Section 12-51-110). The plans indicate the section along Porter Lane will be 90% opaque. Yet, the Ordinance does not give this exception and will require the storage area to be completely screened from view. It also does not specify if this screening is required just along the street and/or required for the entire length around the storage. The applicant will need to submit additional information on the type and style of screening as part of the final amended site plan.

STAFF COMMENTS

The eastern lot currently is paved with the approved parking along the back of the building. In addition, Mr. Mason has planted grass and trees along the street frontage. With the parcel now becoming part of the larger project, the applicant will need to indicate on the final site plan the following information:

Landscaping

The applicant is required to have 15% of the overall undeveloped area in landscaping. This calculation will need to be shown on the site plan. In addition, they will need to ensure they have one tree for every 500 square feet of landscaping, one tree for every 25 feet of frontage, and landscaping provided along the street frontage of at least 10 feet.

Parking/Storage/Display Clarification

The applicant stated that not all the material on the lot will necessarily be storage. He also believes that some could be considered as display. Staff also wondered if he was planning on have additional parking spaces for customers within this area. Therefore, the applicant will need to clarify how much space he is planning on using as storage. If the area is going to be used for parking, this will require that 7% of the area be landscaped. Yet, if they use the area for display,

they would not need to meet this requirement. Also, if the whole eastern lot is considered storage, it would require full screening along the entire perimeter. Staff would recommend the applicant review how he plans on utilizing the property and make this clarification on the final site plan. If only a small portion will be for storage, staff suggests only screening a portion of the lot and utilizing the rest for display area.

Finally, the City Engineer has reviewed the plans and is requesting the applicant address drainage on the property and a system to collect oils and silts.

PLANNING STAFF RECOMMENDATION

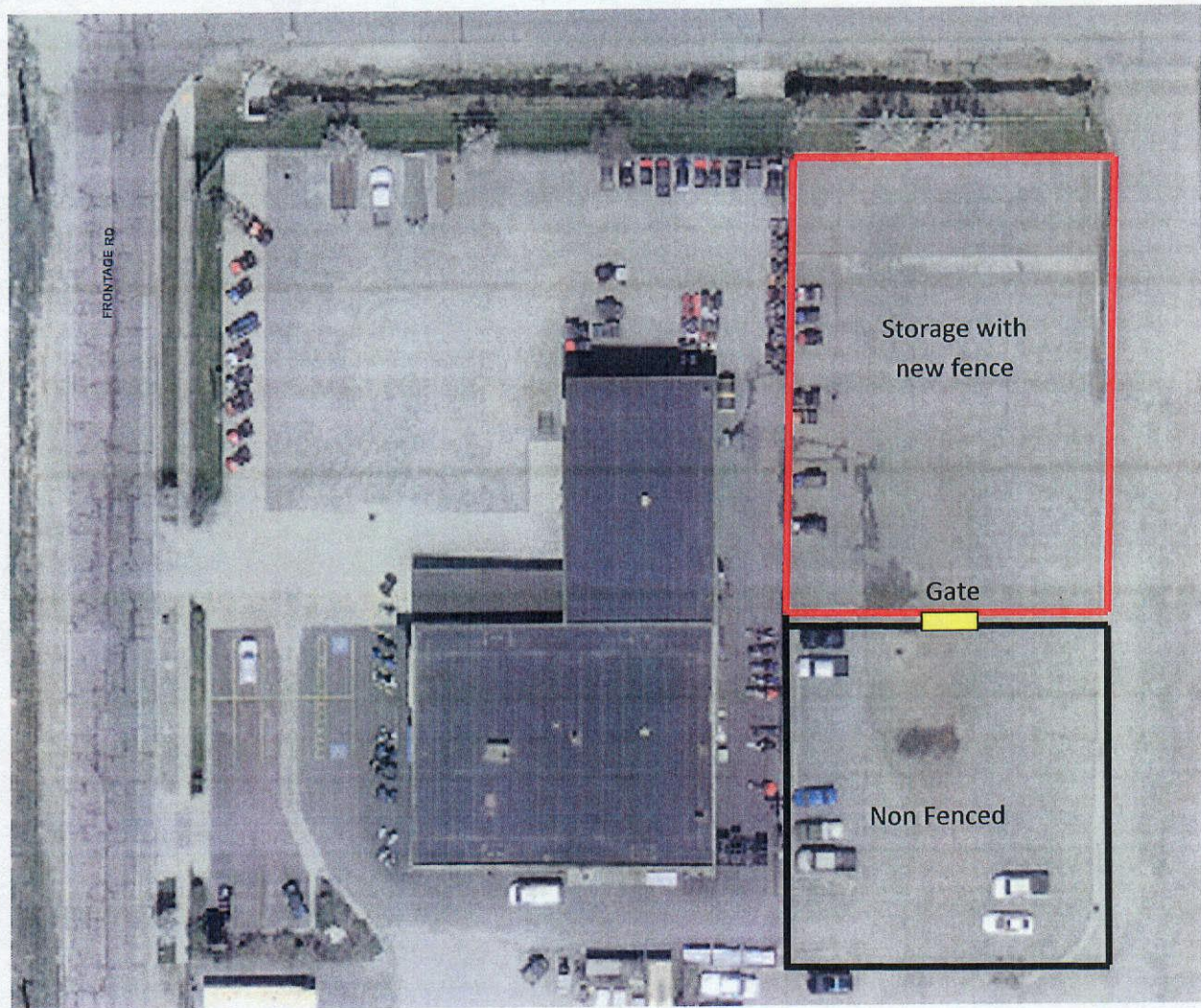
Staff recommends the Planning Commission accept the amended conceptual site plan for the proposed amendments concerning Tri-City on property located at 461 South 800 West, with the following conditions:

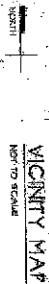
1. An amended final site plan shall be submitted, meeting the standards found in Section 12-21-110(e) of the Ordinance.
2. The applicant shall combine the east and west lot at the Davis County Recorder's Office to create one parcel. This information shall then be submitted to City staff as part of the final amended site plan application.
3. Information concerning Best Management Practices (BMP) in relation to drainage and the containing of oils and silts shall be submitted to City staff for review on the final amended site plan.
4. Landscaping detail, including total square footage and a total percentage shall be submitted with the final plans. This landscaping detail shall also ensure that all applicable criteria found in Chapter 12-51 of the Zoning Ordinance has been met.
5. A depiction of the opaque screening around the storage area shall be submitted as part of the final amended site plan.
6. A decision on the total storage area, total display area and any parking, shall be submitted by the applicant with the final amended site plan.

Suggested Reasons for Action (findings):

- a. An amended conceptual site plan requires the applicant to go through the same procedural requirements as the original approval [Section 12-21-110(i)(2)].
- b. The applicant has clearly shown how the property may be developed [Section 12-21-110(d)(2)].
- c. Outdoor storage is allowed with an approved site plan [12-34-080(d)(2)].
- d. Outdoor storage must be screened from view by an opaque fence or wall [12-51-110(b)].

Tri-City Amended Site Plan





EXISTING ZONE

EXISTING ZONE ➤ C-2

PROJECT SHEET AREA

50,160 S.F. (1.15 ACRES)

BUILDING AREA (sq

12,000 S.F., TOTAL

ERASING DISKING
EXEMPTION

4,000 5.1P

DISCUSSION

FOR INCLUSIVE FRONTAGE FOR PARKS/

RECOVERED 10% OF
*PROVIDED AREA

5,275 S.F. TOTAL

EXISTING (on fire)

1,055 S.F.
1,700 S.F.

DEPT. PRINTING: 100
NIGHT: 1000-1000

5,000 5.1%

ANALYTICAL CHEMISTRY

4-25 PM: PLEAS. Aisle time

 $\mathbf{b}_{100 \text{ S.F.}}$

(0) 1700-5.F

2. 000 4 E

EXTENSION AFTER THE
14,000 LBS. 25% ETC.

3,000 21

9,100 S.F., TOTAL (NET)

REQUIRED PARKING

13.65 SPACES

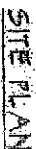
11 1/2 SPACES PER FOOT
1425 INCLUSIVE COME

25. (2017.12.1)

PARKING PROVIDED

= 23 SPACES TOTAL

PROFIT PARKING =
REAR PARKING =

14 SPACES
1 SPACES

RECEIVED JAN 22 2015

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

**STAFF REPORT
AGENDA: ITEM 4**

**APPLICANT/OWNER: CRAIG SALMON
SALMON HVAC
605 NORTH 1250 WEST #13
CENTERVILLE, UT 84014**

PROJECT: THE PASTURE BUSINESS PARK

PROPERTY: APPROX. 1275 NORTH 1300 WEST

ACREAGE: 4.86 ACRES

ZONING: SHORELANDS COMMERCE PARK (SCP) DISTRICT

APPLICATION: AMENDED CONCEPTUAL SITE PLAN

RECOMMENDATION: ACCEPT THE AMENDED SITE PLAN

BACKGROUND

On April 25, 2012, the applicant received a final site plan approval for the project located at approximately 1275 North 1300 West. The applicant continued to work with the Army Corp of Engineers in regard to the wetlands on their property and with the City concerning engineering issues and being part of the current CDA project for this location. Yet, through this process, the applicant desired to redesign the rock wall adjacent to the wetland area, the front entryway monument and the bridge/wall designs. After meeting with staff, it was determined that this idea was directly associated with the original approval and would have to go back before the Planning Commission. On February 26, 2014, the Planning Commission approved the amendment. Craig Salmon has finished the first building of his project and will begin constructing the entryway design features and planting the vegetation.

Recently, however, the applicant has chosen to alter the overall plan by combining the buildings in to one. The plan also shows a small outbuilding being constructed on the far south end of the property adjacent to Barnard Creek and one on the east property line behind the second building. According to Section 12-21-110(i)(3) of the Zoning Ordinance, an amendment must follow the same procedure as the original approval. Therefore, they will be required to go through conceptual and final review by the Planning Commission.

PREVIOUS REVIEW AND APPROVALS

The original approval was granted on April 25, 2012. The following conditions would relate directly to the requirements for the amended site plan and would still apply to the site work still remaining:

- All phases shall comply with the design theme, features, and landscaping plan, as depicted on the submitted final site plans
- All building colors and materials used within the Pasture's project shall comply with Section 12-68-070, Color Palate Chart
- Each phase of the Pasture's development shall comply with the following items as part of any building permit issuance:
 - A lighting plan shall be submitted with each phase addressing the required intensity and self-regulating controls to minimize the use or amounts of all proposed lighting fixtures and shall address the expected illumination levels within, at and beyond the property lines, and deemed acceptable by the Zoning Administrator
 - The screening of utility and mechanical equipment for each phase shall be submitted and deemed acceptable by the Zoning Administrator
 - An irrigation plan for each phase shall be submitted depicting how the different types of plantings will be irrigated and maintained and deemed acceptable by the Zoning Administrator

The above conditions must still be observed and fulfilled by the applicant. At this time, the applicant desires to receive an amendment to the site and not the building design.

PROPOSED ALTERATION

Exterior

The proposed main 20,241 square foot building, will replicate the existing building in design, color, material and lighting detail. Staff's only concern with the proposed layout of the new building, is the architectural detail on the walls facing south toward Legacy Highway. This wall will be required to have the same detailing as found on the west facing wall. The plans also indicate outbuildings being proposed, yet do not give any exterior detail. The applicant has stated the 4,328 square foot outbuilding to the south, adjacent to Barnard Creek, will be a barn. Since this structure may be used for horses and is being constructed adjacent to Barnard Creek, they will need to receive approval from Davis County. The second 3,690 square foot outbuilding is located on the east property line and is labeled warehouse, but does not indicate any design detail. Although both of these structures (barn and warehouse) are considered outbuildings, they are required to meet all the design elements of the Shorelands Commerce Park (SCP). As part of the final amended site plan application, exterior elevations must be submitted for all three structures to be located within the new Phase II.

Landscaping

As mentioned previously, the applicant will soon begin landscaping Phase I and the exterior of the entire property. The complete landscaping design has previously been approved by the Planning Commission as amended on February 26, 2014. The applicant will not be altering this design; however, some changes will be occurring on Phase II in relation to landscaping within the parking lot. Originally, staff was concerned that since the parking lot landscaping islands

were being altered, the requirements may not have been satisfied. Yet, after reviewing the proposed plans, it appears the site will still have 5.47% landscaping within the parking lot area. The final site plan will need to depict the new landscaping plan to ensure that all the required trees and bushes are planted and the design meets the standards of the Shorelands Commerce Park (SCP).

Parking

Parking is also being altered. The previously approved site plan indicated the original Phase I & Phase II required 45 stalls, and they were providing 48. The amended plan shows the new Phase II as having a total of 50 stalls, and they are required to provide 45. It appears that parking for the amended phase will not be an issue and they will meet the requirements found in the Zoning Ordinance.

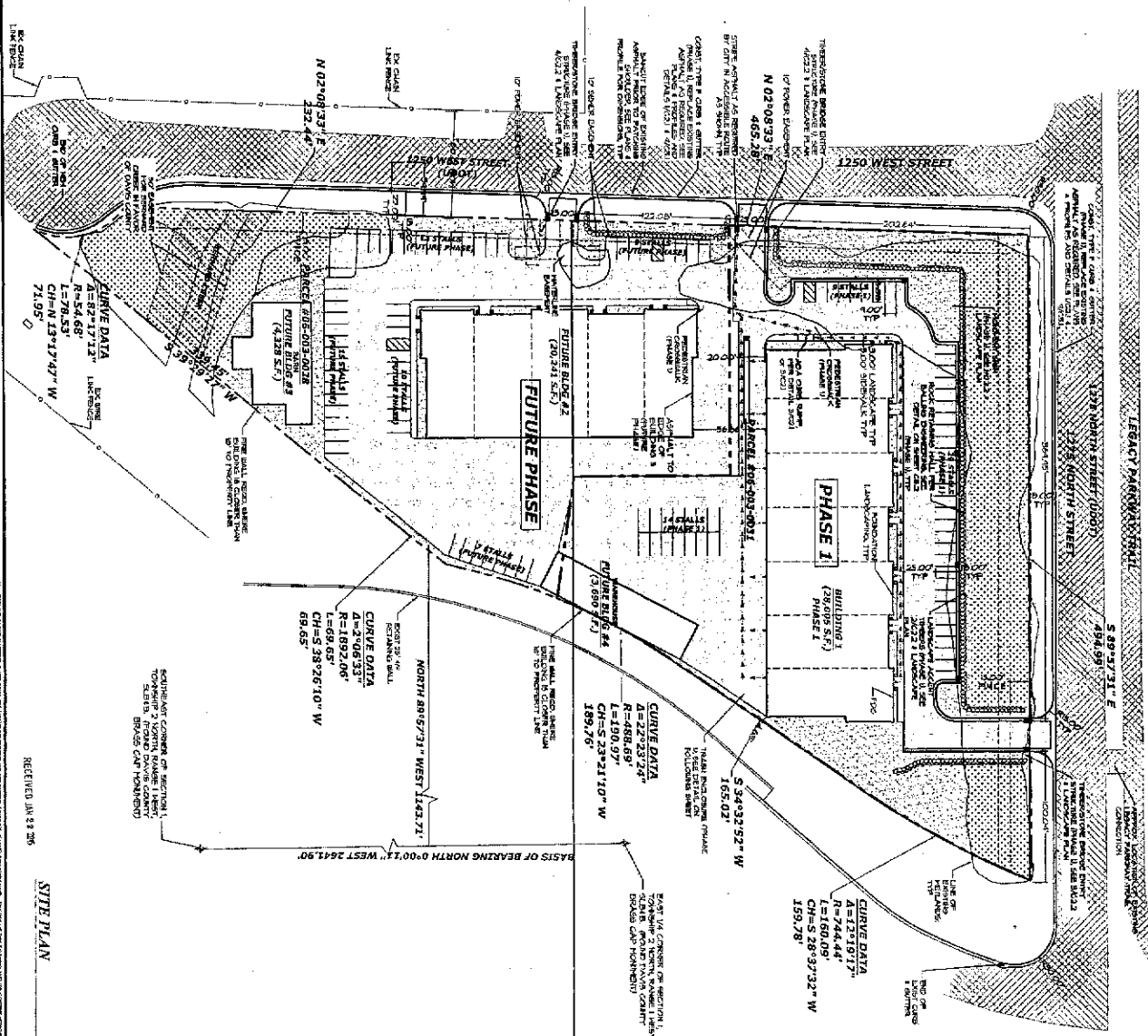
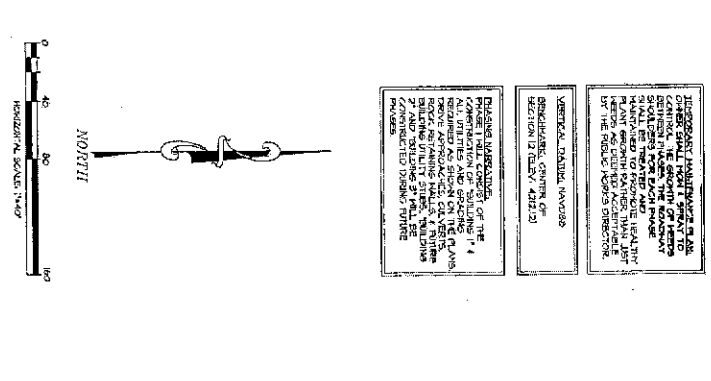
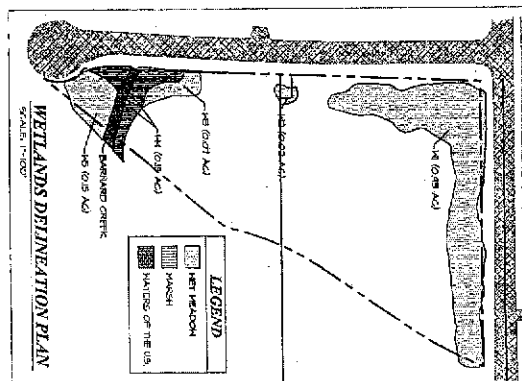
PLANNING STAFF RECOMMENDATION

Staff recommends the Planning Commission accept the amended conceptual site plan for the proposed amendments concerning The Pasture Business/Industrial Park development located at approximately 1275 North 1300 West, with the following conditions:

1. An amended final site plan application shall be submitted, meeting the standards found in Section 12-21-110(e) of the Zoning Ordinance.
2. New elevation drawings depicting the architectural detail of the main structure shall be submitted. This design shall match in color, material and architectural details of the already existing building; with the enhanced features being located on the west and south facing walls.
3. Elevations for the newly proposed outbuildings shall be submitted with the final site plan application. These buildings shall be designed to enhance the property and to blend in with the already existing building and the proposed second main building. All design features shall follow the guidelines found in Section 12-68-070 of the Zoning Ordinance.
4. Proposed "uses" of accessory buildings shall be submitted with the final site plan application.
5. A new landscaping plan shall be submitted depicting all trees, plants and other vegetation to be planted on the new Phase II.

Suggested Reasons for Action (findings):

- a. An amended conceptual site plan requires the applicant to go through the same procedural requirements as the original approval [Section 12-21-110(i)(2)].
- b. The applicant has shown clearly how the property may be developed [Section 12-21-110(d)(2)].
- c. With the above conditions addressed, the proposal will likely meet the requirements found in the Zoning Ordinance, in regard to development and design standards of the Shorelands Commerce Park (SCP) Zone [Chapters 12-47 & 12-68].



SITE PLAN



WETLANDS DELINEATION PLAN

WETLAND TYPE	WETLAND CODE	WETLAND AREA (SQ. FT.)	WETLAND PERCENTAGE
WETLAND TYPE 1	WETLAND CODE 1	1,000,000	100%
WETLAND TYPE 2	WETLAND CODE 2	2,000,000	200%
WETLAND TYPE 3	WETLAND CODE 3	3,000,000	300%
WETLAND TYPE 4	WETLAND CODE 4	4,000,000	400%
WETLAND TYPE 5	WETLAND CODE 5	5,000,000	500%
WETLAND TYPE 6	WETLAND CODE 6	6,000,000	600%
WETLAND TYPE 7	WETLAND CODE 7	7,000,000	700%
WETLAND TYPE 8	WETLAND CODE 8	8,000,000	800%
WETLAND TYPE 9	WETLAND CODE 9	9,000,000	900%
WETLAND TYPE 10	WETLAND CODE 10	10,000,000	1000%

WETLANDS DELINEATION PLAN

WETLAND TYPE	WETLAND CODE	WETLAND AREA (SQ. FT.)	WETLAND PERCENTAGE
WETLAND TYPE 1	WETLAND CODE 1	1,000,000	100%
WETLAND TYPE 2	WETLAND CODE 2	2,000,000	200%
WETLAND TYPE 3	WETLAND CODE 3	3,000,000	300%
WETLAND TYPE 4	WETLAND CODE 4	4,000,000	400%
WETLAND TYPE 5	WETLAND CODE 5	5,000,000	500%
WETLAND TYPE 6	WETLAND CODE 6	6,000,000	600%
WETLAND TYPE 7	WETLAND CODE 7	7,000,000	700%
WETLAND TYPE 8	WETLAND CODE 8	8,000,000	800%
WETLAND TYPE 9	WETLAND CODE 9	9,000,000	900%
WETLAND TYPE 10	WETLAND CODE 10	10,000,000	1000%

WETLANDS DELINEATION PLAN

WETLAND TYPE	WETLAND CODE	WETLAND AREA (SQ. FT.)	WETLAND PERCENTAGE
WETLAND TYPE 1	WETLAND CODE 1	1,000,000	100%
WETLAND TYPE 2	WETLAND CODE 2	2,000,000	200%
WETLAND TYPE 3	WETLAND CODE 3	3,000,000	300%
WETLAND TYPE 4	WETLAND CODE 4	4,000,000	400%
WETLAND TYPE 5	WETLAND CODE 5	5,000,000	500%
WETLAND TYPE 6	WETLAND CODE 6	6,000,000	600%
WETLAND TYPE 7	WETLAND CODE 7	7,000,000	700%
WETLAND TYPE 8	WETLAND CODE 8	8,000,000	800%
WETLAND TYPE 9	WETLAND CODE 9	9,000,000	900%
WETLAND TYPE 10	WETLAND CODE 10	10,000,000	1000%

THE PASTURE: PHASE 1
 APPROX: 1275 NORTH 1250 WEST
 CENTERVILLE, UTAH

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DATE: 1-21-2015
PROJECT: 11-019
REVISION: 1.0
FILE:

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

**STAFF REPORT
AGENDA: ITEM 5**

APPLICANT: **CENTERVILLE CITY STAFF
C/O LISA ROMNEY, CITY ATTORNEY
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014**

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES TO
ADDRESS STATE LEGISLATIVE CHANGES REGARDING
THE USE AND HOUSING OF SERVICE ANIMALS**

RECOMMENDATION: **PLANNING STAFF RECOMMENDS APPROVAL OF THE
ZONING CODE TEXT AMENDMENTS**

BACKGROUND

The State of Utah recently adopted changes to the keeping of service animals, specifically dogs. A person may now keep a service animal, a retired service animal, or both in addition to a limit on the number of dogs a person may keep set by a municipality.

ZONE TEXT AMENDMENT APPROVAL STANDARDS - SECTION 12-21-080(e)

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

Within the City's General Plan, there are no generalized or specific statements concerning the keeping and use of animals, including service animals, for private or commercial use.

Staff Response: The Planning staff believes the General Plan goals, objectives, and policies are unbiased concerning the proposed text amendments.

- 2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property? and,**
- 3. What is the extent to which the proposed amendment may adversely affect adjacent property?**

The proposed amendments deal with the definitions and terms related to the keeping of dogs and allowance of kennels (i.e. the keeping of more than two dogs). Additionally, the changes also address the issue of breeding and the resulting offspring, which has not been adequately addressed by the Zoning Ordinance.

Staff Response: Staff believes that the proposed changes not only address state statutes, but also further address the missing elements of keeping, breeding, and the kenneling of pet dogs. These changes provide improved understanding of maintaining the expectations of the general community.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action - I hereby make a motion for the Planning Commission to **recommend APPROVAL** of the proposed text amendments, as attached with this report.

Suggested reasons for the action:

- a. The Planning Commission finds that decisions regarding a legislative application are based on the "reasonably debatable" standard.
- b. The Planning Commission finds that there are no generalized or specific statements within the General Plan concerning the keeping and use of animals; including service animals, for private or commercial use.
- c. The Planning Commission finds that there is a public interest in establishing regulations relating to the use and keeping of animals that promotes the general welfare of the community.
- d. The Planning Commission finds that the proposed text amendments regarding service animals, the keeping of pets, and so forth are consistent with previous legislative decisions, specifically concerning how animals and their associated elements are currently regulated within the City's Zoning Ordinance.

**PROPOSED ZONING CODE AMENDMENTS
REGARDING HOUSEHOLD PETS AND KENNELS**

January 15, 2015

Amendments to Section 12-12-040 – Definitions - Household Pet

Household Pet: Animals or fowl ordinarily permitted in a house and/or kept for company or pleasure, not for profit, such as dogs, cats, pigeons, or rabbits, but not including:

(a) ~~chickens, ducks, geese, pigs or other domestic farm variety animals, or any animals which are likely to inflict harm or endanger the health, safety, or welfare of any person or property, and~~

~~(b) A sufficient number of dogs to constitute a kennel.~~

Amendments to Section 12-12-040 – Definitions – Kennel

Kennel: An establishment having ~~four (4)~~ three (3) or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for profit, or selling ~~or a residential dwelling unit, lot, parcel or property having four (4) or more dogs regardless of purpose for which the dogs are kept.~~

Enactment of New Section 12-55-260 – Household Pets and Kennels

12-55-260. Household Pets and Kennels.

Household pets are a permitted accessory use to a residential dwelling unit in applicable zones; provided, the number of dogs permitted in any residential dwelling unit shall be limited to three (3). More than three (3) dogs in a residential dwelling unit or on any lot, parcel or property shall be considered a kennel and shall comply with the requirements for a kennel regardless of the purpose for which the dogs are kept. Notwithstanding the foregoing, a person shall be allowed to keep a service animal, a retired service animal, or both, in addition to the limit on the number of dogs set forth herein in accordance with the provisions of *Utah Code Ann. § 10-8-65*, as amended. In addition, a person shall be permitted to keep a litter of puppies that exceeds the limit on the number of dogs allowed in a residential dwelling unit so long as such puppies that exceed the limit are removed from the residential dwelling unit within five (5) months of age.

Amendments to Table of Uses – Chapter 12-36

Zones															
Commercial Uses	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Kennels	<u>CN</u>	<u>CN</u>	<u>CN*</u>	N	N	N	N	N	N	N	<u>CN</u>	C	C	C	C

* Kennels in the R-L Zone shall be limited to personal and non-commercial keeping of up to four (4) dogs.

Enactment of New Section 7-02-025 – Household Pets

7-02-025. Household Pets.

The keeping of household pets is further regulated by the Centerville City Zoning Ordinance, including, but not limited to Section 12-55-260 regarding the limitation on the number of dogs in a residential dwelling unit and the operation of a kennel.

SERVICE ANIMALS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill enacts language related to a municipal or county ordinance regulating the keeping of a service animal.

Highlighted Provisions:

This bill:

- defines terms;
- allows a person to keep a service animal, a retired service animal, or both in addition to a limit on the number of dogs a person may keep set by a municipality or county; and
- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-8-65, as last amended by Laws of Utah 1967, Chapter 23

ENACTS:

17-50-336, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 10-8-65 is amended to read:

30 **10-8-65. Regulation of dogs -- Service animals permitted.**31 (1) A municipality may:32 (a) license, tax, regulate, or prohibit the keeping of dogs[-]; and33 (b) authorize the destruction, sale, or other disposal of ~~[the same when]~~ a dog if the dog
34 is at large contrary to ordinance.35 (2) (a) As used in this Subsection (2):36 (i) "Retired service animal" means a dog that:37 (A) at one time was a service animal for the current owner; and38 (B) no longer provides service animal services for the owner because of the dog's age
39 or other factors limiting the dog's service capability.40 (ii) "Service animal" means a police service canine, as defined in Section 53-16-102.41 (b) If a municipality adopts a limit as to the number of dogs a person may keep, the
42 municipality shall allow a person to keep a service animal, a retired service animal, or both in
43 addition to that limit.

44 Section 2. Section 17-50-336 is enacted to read:

45 **17-50-336. Service animals permitted.**46 (1) As used in this section:47 (a) "Retired service animal" means a dog that:48 (i) at one time was a service animal for the current owner; and49 (ii) no longer provides service animal services to the owner because of the dog's age or
50 other factors limiting the dog's service capability.51 (b) "Service animal" means a police service canine, as defined in Section 53-16-102.52 (2) If a county adopts a limit as to the number of dogs a person may keep, the county
53 shall allow a person to keep a service animal, a retired service animal, or both in addition to
54 that limit.