

CENTERVILLE CITY PLANNING COMMISSION AGENDA

ATTN: MARSHA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING ON WEDNESDAY, MARCH 25, 2015, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA AND TIMES ARE 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)

- 5:00 PM BRIEFING ON THE BASICS OF RDA – PC MEMBERS PLEASE ATTEND**
- 5:45 PC/CC WORK SESSION ON PLANNING PRIORITIES FOR 2015**
- 7:00 A. WELCOME AND ROLL CALL**
B. PLEDGE OF ALLEGIANCE
C. PRAYER OR THOUGHT – Commissioner Gina Hirst
D. MINUTES REVIEW AND ACCEPTANCE – March 11, 2015 PC & Work Session
E. COMMISSION BUSINESS
i. Colonial Building Supply Propane Tank and Dispenser – Applicant has requested item be postponed until the next available Planning Commission Meeting
- 7:10 1. PUBLIC HEARING | PAUL HOLMES RESIDENTIAL LOT | 150 EAST 200 SOUTH**
Consider a proposed conceptual site plan for an unplatted residential building lot on property located at 150 East 200 South, for the purpose of constructing a new dwelling. Paul Holmes, Applicant
- 7:30 2. PUBLIC HEARING | HUFFAKER DENTAL DUPLEX | 134 SOUTH MAIN ST**
Consider a proposed conceptual site plan for the Huffaker Dental property located at 134 South Main Street, for the purpose of constructing a duplex. Jeff Cook, Cook Builders, Applicant
- 7:50 3. PUBLIC HEARING | ZONING CODE TEXT AMENDMENTS, CHAPTER 12-60 – ACCESSORY DWELLING UNITS (ADUs)**
[Continuation from February 25, 2015 Meeting]
Consider proposed zoning code text amendments for Chapter 12-60-Accessory Dwelling Units, Chapter 12-12-Definitions and Table 12-36-Tables of Uses for the new Accessory Dwelling Units (ADUs) Ordinance. Centerville City, Applicant
- 8:10 4. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
a. Upcoming Meetings
• PC Meeting April 8, 2015: Maverik Convenience Store Conceptual Site Plan
- 8:15 F. ADJOURNMENT**

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, March 11, 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

William Ince

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

STAFF PRESENT

Corvin Snyder, Community Development Director

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

VISITORS

Interested Citizens (see sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Ince

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held February 25, 2015 were reviewed and amended. Commissioner Kjar made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Randall and passed by unanimous vote (7-0).

PUBLIC HEARING | COLONIAL BUILDING SUPPLY | 500 NORTH 400 WEST - Consider a proposed conditional use permit for Colonial Building Supply to store and sell liquid propane gas for property located at 500 North 400 West. Corey Christensen, Blue Star Gas, Applicant.

PRELIMINARY DRAFT

Planning Commission Meeting
March 11, 2015

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1 The applicant requested this item be postponed until the next Planning Commission meeting
2 to be held on March 25, 2015.

3 Chair Hirschi made a **motion** to table the application from Colonial Building Supply for a
4 conditional use permit to store and sell liquid propane gas. The motion was seconded by
5 Commissioner Johnson and passed by unanimous vote (7-0).
6

7 **PUBLIC HEARING | CODE TEXT AMENDMENT | CHAPTER 12-48 SOUTH MAIN**
8 **STREET CORRIDOR - Consider proposed zoning code text amendments for various**
9 **sections of Chapter 12-48-South Main Street Corridor Zone; which include building**
10 **heights and floor heights within the Traditional Main Street District, and allowance for**
11 **stand-alone residential projects. Taylor Spendlove, Brighton Centerville LLC, Applicant.**
12

13 Taylor Spendlove, applicant, said Brighton Homes has officially pulled their previous
14 requests for a rezone and other various amendments to the Traditional Main Street District (see
15 January 28, 2015 Planning Commission Meeting minutes). Brighton Homes is still interested in
16 developing a multi-family project on the site but is now requesting three (3) different
17 amendments. Mr. Spendlove said they would like to amend the Traditional District of the Main
18 Street Corridor to allow for a residential only development with a maximum building height of
19 28 feet and a diminished main floor height from 10 feet to 9 feet. He explained Brighton Homes
20 would like to build a multi-family development with 2-story townhome units. He presented
21 various pictures of what these 2-story units could look like. He said the development would front
22 Main Street taking all commercial uses out of the project. All driveways, sidewalks, and garages
23 would be interior to the development. In addition, Brighton Homes will include a park or other
24 public space. He explained the 28-foot building height allows for 2-stories and will
25 accommodate a typical roof pitch which will blend with surrounding homes. They would be
26 amenable to a 25-foot maximum if measured to the mid-point of the roof, as is typical for most
27 ordinances. He said the proposed 9-foot main floor height is typical for a residential home, 10
28 feet is too great and generally used for commercial buildings only. He said the second story will
29 have a height of 8 feet. He said if the Commission prefers commercial remain part of this
30 development then Brighton will need to increase the building height back to the previously
31 requested 35-foot maximum. He said residential makes sense for this area and would continue
32 what already exists. He also explained that residential will help spur additional commercial uses
33 in the future along Main Street. Mr. Spendlove said they are looking at a density of 13-15 units
34 per acre for this multi-family townhome development.
35

36 Cory Snyder, Community Development Director, reported the General Plan is the first
37 document to be considered when looking at text amendments. The General Plan states the middle
38 or center of Main Street should be the core of the commercial district but doesn't state
39 specifically how commercial should be managed. Brighton Homes request for a residential only

1 development within the Traditional District could be interpreted two (2) ways. It could be
2 interpreted that residential should be mixed with commercial as the ordinance currently states or
3 it could be interpreted that residential could be used as a buffer to the more commercially intense
4 Main Street core. He explained the mixed-use of commercial and residential together was created
5 to help mesh all the Districts along Main Street. Currently, the ordinance only allows residential
6 if commercial is the primary use, not vice versa. However, a residential only option could be
7 included in addition to the commercial only or commercial/residential mixed-use options which
8 already exist. The Commission needs to decide if they believe the Traditional District could be
9 considered a buffer to the commercial Core District or if commercial needs to be preserved to
10 maintain continuity. He reminded the Commission that any text amendment would be allowed
11 throughout the entire Traditional District, which extends within a block of the Core District, and
12 not just for this property. Mr. Snyder explained the General Plan encourages re-investment and
13 synergy through the entire Main Street Corridor. The proposed stand-alone residential could be
14 viewed as such as it will bring a demand for services, it could also be viewed as a hindrance. He
15 said if the Commission is comfortable allowing a stand-alone residential development then staff
16 is comfortable with the building height and main floor height requests.

17
18 Chair Hirschi opened the public hearing.

19
20 Dale McIntyre explained the property in question should not be considered a full block, but
21 rather split into two blocks.

22
23 Jennifer Turnbloom said this development is right in the middle of a transitional area and
24 residential would be a better option than commercial. She said she owns the next largest parcel in
25 this area and would appreciate an option for residential only if she ever chose to redevelop. She
26 said Centerville already has a large commercial area on 400 West. She believes homes will
27 revitalize Main Street and that any commercial uses built will remain dark because the city's
28 commercial core is no longer located on Main Street.

29
30 Jeff Warren said there is no question this particular property is blight and in need of
31 redevelopment. He said he likes the idea of residential only but wants to make sure the current
32 residents in this area get some return as well. He would like to see a park or other green space
33 required to be used by the general public.

34
35 Cami Layton expressed frustration over having to come back to the City time and time again
36 to explain that the residents do not want commercial. She encouraged the Commission to review
37 the history of this area and find that the residents have always wanted residential on Main Street.
38 The citizens have stated for years that low density single-family residential is the preferred
39 option.

1
2 Brad Nance, said he is in favor of residential. He said he understands the financial needs for
3 redevelopment but if the General Plan does not paint a clear picture then perhaps residential is
4 appropriate. He said he likes The Commons development (Pages Lane and Main Street) which is
5 about 6-7 units an acre. He said the proposed development is located within a very nice
6 neighborhood and that this property could support some nice quality homes. He suggested the
7 28-foot building height request be denied and a lower density required. He agreed Main Street is
8 no longer the commercial hub of the city.

9
10 Nancy Smith said there is not enough information about the proposed development to decide
11 if the proposed amendments are acceptable. She said without a specific plan it is too hard to say
12 whether the development is appropriate for this area. She said history shows that this area was
13 downsized to single-family residential in order to preserve the historic character of this area. She
14 said the guiding principles and overall objectives of the Main Street Corridor plan are sensitive
15 to the historic character of the city. She said she likes the idea of allowing a residential only
16 development, but it is hard to know if this particular development will be appropriate without a
17 specific plan. She expressed concern with changing one district as it may affect other districts
18 stability. She said the Main Street Corridor plan was created in a way to prevent a high density
19 residential development such as The Village in Bountiful. She is concerned that Brighton
20 Homes, if allowed a residential only option, could build such a building. She said density should
21 be limited. She likes the idea of residential only, but is concerned that apartments may be the end
22 result. She also expressed concern with the shadow effect that these types of buildings can
23 produce. She said more study needs to be done to limit impacts to ensure the small town
24 atmosphere is maintained.

25
26 Ralph Sorenson said he moved to Centerville from California 15 years ago because of the
27 small town feel. He expressed concern with regard to the mature trees on this property. He would
28 like to see every effort to maintain as many trees as possible as Centerville is known as a Tree
29 City. He is concerned with density and the traffic that this type of development can bring to an
30 already congested area. He encouraged the applicant to look at possible undulations to help
31 control and limit traffic congestion. He agreed this site is an eye sore and needs to be
32 redeveloped. He cautioned the Commission to consider all negative impacts. He said there seems
33 to be more questions than answers and perhaps this is a sign to slow down and reconsider.

34
35 Spencer Summerhays said he agrees a residential-only option would provide a good buffer
36 from the Core District as well as to the single-family homes to the east and south. He asked what
37 the setbacks would be for this development on the east property line. He too is concerned with
38 traffic and congestion. He said perhaps more discussion is needed as this would be applied to the
39 entire Traditional District.

1
2 Teri Nance said the 2012 General Plan calls this area the Old Town Site and discusses a
3 desire for single-family homes in order to keep the impact on services to a minimum. She said
4 high density does not bring long-term residents. She would like her children to have long-term
5 neighbors which come from low-density residential uses. She agreed the citizens have been
6 requesting residential for years. She would like to keep the Old Town concepts intact.

7
8 Sherri Lindstrom discussed the process that took place leading up to the creation of the Main
9 Street Corridor Plan. She explained the five (5) districts were created mainly out of respect for
10 the rights of the property owners. These rights should be allowed to continue. She said she has a
11 deep respect for those that have invested in property and development in Centerville. These
12 property owners should be allowed to reinvest in their properties at a value that will provide a
13 necessary return. This is why the Main Street Corridor Plan has multiple layers or options built
14 in. She said there is value in keeping commercial on Main Street. She said she uses existing
15 services on Main Street and would like to see more commercial uses encouraged. She said
16 commercial is not necessary along every inch of Main Street, but she would not want to see
17 commercial hindered for residential only. She agreed this area is historic but also explained the
18 history of this area includes commercial uses. She encouraged the Commission to keep the
19 commercial options intact. She also encouraged the Commission to research property taxes and
20 how they might be affected.

21
22 Robin Mecham suggested the building height be limited to the top of the roof and not
23 allowed at the mid-point. She agrees residential is a good option. She said the existing
24 commercial buildings on Main Street struggle to stay open and are often vacant. She said if
25 commercial is required then the City is asking Brighton Homes to build dead space. She agreed
26 the commercial hub for Centerville is on 400 West; Main Street is no longer a commercially
27 viable area. She said commercial uses do not need to be extended district wide. She said the
28 Main Street Plan was originally discussed with light rail in mind which warranted commercial
29 uses. She said light rail has been eliminated as an option for Main Street, therefore she
30 questioned the true need for commercial. She suggested residential be allowed but be pulled back
31 from Main Street with a greater setback. She agreed Brighton Homes proposal may be too dense
32 for this area and suggested options be included to keep the historic feel.

33
34 Chair Hirschi closed the public hearing.

35
36 Mr. Spendlove said Brighton Homes is committed to working with residents as they plan this
37 development and they will include some type of green space for public use. He is accepting of
38 the 28-foot building height maximum stating this will create a quality 2-story unit with a nicer

1 roof line. He said Brighton Homes has purchased a home on Pages Lane which will be
2 demolished and a new single-family home built.

3 Mr. Snyder explained the density is contingent on many layers. Current ordinance permits
4 three (3) units per buildings. The applicant must comply with several additional requirements in
5 order to get the conditional use allowance of up to six (6) units per building. He said the rear
6 setback for homes within the development is 15 feet in addition to a required 8-foot buffer along
7 the east property line. The front yard setback is 5-10 feet. He explained the impact fees
8 associated with such a development. He also said the Historic District will be considered for
9 approval in the next few weeks but is a voluntary program. No home will be required to adhere
10 to the historic guidelines. Mr. Snyder said zoning decisions must be made independent of any
11 project. The Commission must decide if the proposed amendments are acceptable for the entire
12 Traditional District and decide how these changes may affect overall future development. The
13 Commission should not decide based on any one single development. He explained the current
14 ordinance is not density based but rather based on mixed-use ratios with both commercial and
15 residential components.

16
17 Lisa Romney, City Attorney, said the City does not provide a variance or exception without
18 cause. This application is for a zoning text amendment which would be applied to the entire
19 zone. If this applicant were to request these amendments for their property only it would be
20 considered a "spot zone" and denied. Individual properties are not generally considered for these
21 types of exceptions. Per Law, any amendment to the zoning text or the zone map must be
22 followed by all within that zone.

23
24 Chair Hirschi clarified that the proposed residential-only option is just another choice that
25 would be allowed within the Traditional District. The commercial only or the mixed-use
26 commercial/residential options will also remain in effect. He said if a developer were to request
27 the commercial option he would like to keep the 10-foot main floor height requirement. He
28 prefers to allow the 9-foot option for residential only. He said it's true that Centerville's Main
29 Street does not feel like a typical main street. The question is, does Centerville want a Main
30 Street or residential? He questioned if allowing residential only will take away from possible
31 future income and if this could be detrimental to the health of the city. He said the cost of
32 redevelopment is an important factor. He said additional information on the possible impacts of
33 this decision may be beneficial.

34
35 Commissioner Johnson said he is comfortable with an all residential option but is not
36 comfortable changing the core intent of the General Plan. He said he would be more comfortable
37 if they looked at amending the General Plan first, then amending the zoning ordinance. He said
38 commercial uses are a key component on Main Street and should not be eliminated lightly.

1 Commissioner Kjar said he does not believe commercial uses are currently realistic for
2 the Traditional District. He is comfortable allowing a residential only option for this transitional
3 area. He agreed that requiring commercial uses could be the building of empty boxes. He is also
4 comfortable with a 28-foot building height.

5
6 Commissioner Merrill agreed. He too is accepting of the residential only option, the 28-
7 foot building height, and the 9-foot main floor height.

8
9 Commissioner Ince said he too agrees with a residential only option. He said the mixed-use
10 commercial/residential concept is more European, not Centerville.

11
12 Commissioner Ince made a **motion** for the Planning Commission to recommend approval of
13 the following proposed text amendments for the Traditional Main Street Segment:

- 14
15 1. Modify the text to allow a new maximum building height limit of 28 feet.
16 2. Modify the text to allow stand-alone residential use.
17 3. Modify the text to allow main level clear space height from 10 feet to 9 feet, only if a
18 stand-alone residential development occurs.

19
20 Reasons for Action (findings):

- 21 a. The Planning Commission finds that the General Plan language promotes a mixture of
22 uses and desires variety to create the expected visual appeal of the street.
23 b. The Planning Commission finds that there is General Plan policy language that desires
24 the bulking and massing of buildings to facilitate desirable development.
25 c. The Planning Commission finds that the height request better facilitates a two-story
26 building development pattern.
27 d. The Planning Commission further finds that since the City Center District is the focal or
28 heart of the commercial corridor thus, a transition of multi-family style residential would
29 create a buffer between commercial development further north (core area) and the
30 residential corridor to the south.
31 e. The Planning Commission perceives that the changes "synergize the core" commercial
32 by creating sufficient demand for services.
33 f. The Planning Commission believes that keeping the clear space expectation would be at
34 odds with the building form of residential-style development, if residential only
35 developments were allowed.

36
37 The motion was seconded by Commissioner Kjar.
38

1 Chair Hirschi made a **motion to amend** to include in condition #3 language clarifying the 9-
2 foot main level clear space allowance may only be applied for residential uses, it must remain at
3 ten (10) feet for commercial uses. The motion to amend was seconded by Commissioner Kjar
4 and passed by unanimous vote (7-0).

5
6 Chair Hirschi called for a vote on the motion as amended. The motion **passed** with a roll-call
7 vote (4-3). Chair Hirschi, Commissioner Hirst and Commissioner Johnson opposed.

8
9 **THE PASTURE BUSINESS PARK | 1275 NORTH 1300 WEST - Consider a proposed**
10 **final site plan amending the site plan approval for "The Pasture Business/Industrial Park;"**
11 **which consists of changes to the phasing layout and driveway location on property located**
12 **at approximately 1275 North 1300 West, in the SCP Zone. Troy Salmon, Salmon HVAC,**
13 **Applicant.**

14
15 Brandon Toponce, Assistant Planner, reported the Planning Commission previously accepted
16 an amended conceptual site plan for this development. The applicant has chosen to alter the
17 overall plan by combining the buildings in to one. The plan also shows a small outbuilding being
18 constructed on the far south end of the property adjacent to Barnard Creek and one on the east
19 property line behind the second building. Mr. Toponce reviewed the previous conditions of
20 approval. The applicant has met a majority of the conditions. The applicant will be required to
21 complete all conditions prior to building permit approval. Mr. Toponce reviewed the applicant's
22 building plans, elevation drawings, and materials. All plans, including landscape and lighting,
23 follow an architectural theme. The industrial warehouse will be used for storage and
24 warehousing and the barn will be used for agriculture and possible parties/gatherings. The
25 applicant has submitted the appropriate landscape plan and has received approval from the
26 County regarding drainage into Barnard Creek. The applicant will still be required to submit for
27 each phase, a lighting plan, a utility/mechanical equipment screening plan, and an irrigation plan.

28
29 Troy Salmon, applicant, explained the proposed barn will be unique and will be highly
30 visible from Legacy Parkway. He explained their plans to utilize the barn including possible
31 animals and or receptions/large gatherings/parties.

32
33 Commissioner Hirst made a **motion** for the Planning Commission to approve the amended
34 final site plan for The Pasture Business/Industrial Park Development located at approximately
35 1275 North 1300 West, with the following conditions:

36
37 ***Conditions:***

1. The applicant shall post a bond in relation to any public improvements and landscaping as deemed by the City Engineer. This shall be posted prior to the applicant receiving a building permit.
2. A new utility and drainage plan shall be provided to City staff for review prior to the issuance of a building permit.
3. All onsite drainage shall be treated prior to entering Barnard Creek.
4. A building permit shall be submitted, reviewed and approved prior to any construction taking place on site.
5. With the building permit application, the applicant shall submit the following information as required by the Planning Commission approval on April 25, 2012:
 - a. 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.
 - b. The screening of utility and mechanical equipment for each phase shall be submitted and deemed acceptable by the Zoning Administrator.
 - c. 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.
6. All previous conditions of approval that pertain to the overall development as per the April 25, 2012 Planning Commission minutes and have not been amended by this report, shall be adhered to by the applicant.

Reasons for Action (findings):

- a. The amended final site plan has been submitted and follows the criteria found in Section 12-21-110(e) of the Zoning Ordinance.
- b. The applicant has clearly shown how the property may be developed [Section 12-21-110(d)(2)].
- c. The applicant has met all the previous conditions of approval from the February 11, 2015 conceptual amended site plan review.
- d. With the above conditions addressed, the proposal will 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].

The motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (7-0).

PARK HILLS PHASE 3 SUBDIVISION | 2130 NORTH ROCK MANOR DRIVE -
Consider a proposed final subdivision plan for Park Hills Phase 3 Subdivision; which

1 consists of 2 building lots, to be located at approximately 2130 North Rock Manor Drive.
2 Daren & Kara Burnett, Rock Manor Trust, Applicants.
3

4 Brandon Toponce, Assistant Planner, reported the Planning Commission previously
5 approved a preliminary subdivision for the Park Hills Phase 3 Subdivision. The project consists
6 of two developable lots and one large remnant parcel that will not be divided at this time. The
7 applicants will be required to dedicate Rock Manor Drive which is currently found within an
8 easement. Mr. Toponce reviewed the previous conditions of approval. The applicant has met a
9 majority of the conditions. The applicant will be required to complete all conditions prior to
10 building permit approval. The applicant will be required to post all necessary bonds including a
11 bond for the sidewalk to be constructed on Lot 1. In addition, a title report must be submitted,
12 approved, and recorded with the County.
13

14 Commissioner Kjar made a **motion** for the Planning Commission to accept the final
15 subdivision plan and recommends approval to the City Council for the proposed Park Hills Phase
16 3 Subdivision, located at 2130 North Rock Manor Drive, subject to the following:
17

18 ***Conditions:***

- 19 1. Park Hills Phase 3 shall consist of Lots 1 and 2 as depicted on the final plat and shall not
20 allow any development to occur on the remnant parcel at this time. The remnant parcel
21 shall be subject to all current applicable subdivision approvals when the future
22 development shall occur.
- 23 2. A bond shall be posted for all public infrastructure and utility work to be conducted and
24 the applicants shall be required to enter into an improvement agreement for all public
25 infrastructure.
- 26 3. Storm drain impact fees and other impact or development fees have not been paid for
27 Parcel A. Such impact fees and development fees for Parcel A shall be paid at the time
28 such parcel is subdivided or built upon and shall be paid in accordance with the fee
29 schedule in place at the time such fees are due.
- 30 4. A current title report shall be submitted to City staff for review.
- 31 5. The submitted final plat shall be approved by the City Council.
- 32 6. A final subdivision paper plat shall be submitted prior to the mylar and reviewed by the
33 City Engineer and City Attorney, and shall receive the proper signatures before
34 recordation.
- 35 7. The final plat shall be recorded at the Davis County Recorder's Office.
- 36 8. No construction on Lots 1 and 2 shall take place before recordation of the plat.
- 37 9. The applicant shall submit a building permit for Lots 1 and 2 prior to construction taking
38 place.
39

Reasons for the Action (Findings):

1. The remnant parcel may not be developed without the proper City approvals [Section 15-2-101]
2. Security of public improvements is required for all subdivisions [Section 15-4-109].
3. The new subdivision meets the objectives for development within a Residential-Low Zone [Section 12-30-020(b)(1)].
4. It appears all applicable development standards for development within an R-L Zone have been satisfied [Table 12-32-1].
5. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
6. All applicable standards found in the Subdivision Ordinance pertaining to a final subdivision application have been satisfied [Chapter 15-4].

The motion as seconded by Chair Hirschi and passed by unanimous roll-call vote (7-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. Work Session with City Council, March 17, 2015 at 5:00 PM to discuss planning priorities.
2. The next Planning Commission meeting will be Wednesday, March 25, 2015.
3. Upcoming Agenda Items
 - Accessory Dwelling Units

The meeting was adjourned at 9:43 p.m.

David Hirschi, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

PRELIMINARY DRAFT

PLANNING COMMISSION

WORK SESSION

Wednesday, March 11, 2015

6:00 p.m.

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

MEMBERS PRESENT

David Hirschi, Chair

Gina Hirst

William Ince

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

STAFF PRESENT

Corvin Snyder, Community Development Director

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

WORK SESSION - COMPLETE STREETS AND PLANNING PRIORITIES FOR

2015

Cory Snyder, Community Development Director, reviewed the Commission's list of work goals/priorities as set in March 2013. The Commission discussed and reviewed each item. Mr. Snyder explained which goals have been accomplished or are currently underway. The Commission also discussed goals they feel should now be included.

The Commission agreed an updated plan for the West Side including development and transportation should be top priority. Although this issue has seen some recent debate and denial the Commission believes a plan is still necessary. The Commission agreed that no plan would be most detrimental. The Commission also agreed there may be several options available that have not yet been explored and encouraged the City to move in a direction of discussion and brainstorming and ultimately a plan for future development. There needs to be some direction set if this area of the city is to progress; guided development is needed to support what has already been established. Commission members discussed various options for the west side including increased commercial such as indoor bike park, climbing gym, or car dealerships. With two (2)

PRELIMINARY DRAFT

Planning Commission Work Session
March 11, 2015

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freeway accesses in this area it is important to appropriately plan for this valuable location and important part of the city.

Mr. Snyder discussed infill development. He explained the Old Town Historic District will be proposed as an overlay zone within the next few weeks. This is a voluntary program for properties located from Parrish Lane to Porter Lane and Main Street to 400 East. Other infill issues include accessory dwelling units, small lot floating zones, group dwellings, alternate housing types, and inclusionary zoning. An accessory dwelling unit ordinance is currently underway and should be completed this year. The Commission agreed all infill issues should remain a priority.

Mr. Snyder explained the Main Street Public Space Strategic Plan has yet to be accomplished. In addition, electronic signs was never adequately discussed but may still be considered an important topic. The Commission discussed additional priorities including City Trails and Pathways, Subdivision Ordinance update, and Pages Lane redevelopment. A majority of the Commission agreed redevelopment, under current zoning standards, should be encouraged for Pages Lane. The Commission would like to see these vacant buildings re-utilized.

Mr. Snyder reviewed and explained the Complete Streets concept. Centerville participated in a pilot program with regard to Complete Streets. This is another priority the Commission may choose to include.

The meeting was adjourned at 6:50 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 1**

**PROPERTY OWNER/
APPLICANT:** PAUL HOLMES
1312 WEST 1900 SOUTH
WOODS CROSS, UT 84087

EMAIL: FLAWLESS1931@AOL.COM

PROPERTY: 150 EAST 200 SOUTH

ACREAGE: .25

ZONING: RESIDENTIAL-LOW (R-L)

APPLICATION: CONCEPTUAL SITE PLAN ACCEPTANCE

RECOMMENDATION: ACCEPT THE CONCEPTUAL SITE PLAN

BACKGROUND

Paul Holmes desires to construct a new home located at 150 East 200 South. This property has never had a home placed on the lot and is not part of a platted subdivision. According to Section 12-21-110(c)(2)(E), of the Zoning Ordinance, the site plan approval process must be completed for any residential development outside a platted subdivision. Therefore, in order for Mr. Holmes to receive a building permit and construct a new home on the lot, he must first receive approval from the City for development. The sole purpose of this review and approval is to ensure that the lot is buildable, meeting all the applicable standards of the Zoning Ordinance, and to place the proper public utility easements on the property, as is deemed a lot of record.

According to City maps prior to the 1960's, the lot had already been divided. The City does not have records from this time period and acknowledges that the lot was created previous to the Subdivision Ordinance being enacted.

CONCEPTUAL SITE PLAN 12-12-110(d)

A conceptual site plan is not intended to permit actual development of property, yet it is intended to represent how the property may be developed so that the applicant can receive feedback from the Planning Commission.

Table of Uses Allowed 12-36

The property located at 150 East 200 South is found within the Residential-Low (R-L) Zone. According to Chapter 12-36, Table of Uses Allowed, a single-family dwelling is acceptable. A single-family dwelling is defined as a building having only one dwelling unit (Chapter 12-12). Mr. Holmes would like to construct a single-family home on the lot, which meets the allowable use found in the Table of Uses.

General Plan

The Centerville City General Plan indicates this area is within Neighborhood 1, Southeast Centerville [Section 12-480-2]. This neighborhood is further divided into sub-areas and indicates the proposed lot is found within the "Old Townsite." According to Section 12-480-2(a)(1), the residential policy for this area, is the following:

1. The old Centerville townsite shall be maintained in a low density, single-family residential character.

Therefore, a single-family dwelling on this lot is consistent with the goals of the General Plan.

Development Standards

The site location is .35 of an acre, with the plans indicating the proposed new home being 4,430 square feet. The following is a review of the Development Standards for the proposed lot and future home.

Future home.

Development Standards Residential-Low Zone 12-32-1			
Development Standard	Required	Actual	Compliance
Building Standards			
Distance Between Buildings	6 Feet	N/A	N/A
Maximum Height	35 Feet	N/A	N/A
Lot and Parcel Standards			
Minimum Frontage	40 Feet	80 Feet	Yes
Minimum Width	60 Feet	80 Feet	Yes
Setback Standards			
Front	25 Feet	30 Feet	Yes
Rear	20 Feet	35 Feet	Yes
Side	8 Feet Minimum total width of both side yards: 18 feet	East: 8 Feet	Yes
		West: 10 Feet	
Site Standards			
Buildable Area	2,000 Square Feet	3,720	Yes
Buildable Area Range	2:1 and 1:2	60' x 66'	Yes
Gross Density	4 Units Per Acre	1 home on a single lot	Yes

According to the above table, all Development Standards within the R-L Zone have been satisfied. As part of the final site plan the application, Mr. Holmes will need to submit verification of the overall height of the building.

UTILITIES AND EASEMENTS

The applicant must provide information regarding the adequacy of utilities to service the lot. This must be done by submitting all the applicable utility provider sheets to staff as part of the final site plan review. The final site plan must show all utilities being properly stubbed into the property along with the closest fire hydrant being indicated on the plans. The site plan does indicate the proper utility easements to be located on site. The front easement is shown at 10 feet, and two additional easements are indicated at 7 feet. In addition, the legal description for each easement has been provided, yet will still need to be verified by the City Engineer. As a reminder, these easements will need to be accepted by the City Council after the final site plan has been approved and then recorded with the Davis County Recorder's Office. The property owner will also be required to pay any development fees that may be applicable for the development of this lot.

CONCLUSION

After reviewing the conceptual site plan, staff believes the applicant has clearly shown how the property may be developed. They have also indicated how the criteria within the Zoning Ordinance for development within the R-L Zone will be fulfilled.

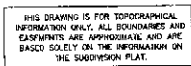
PLANNING STAFF RECOMMENDATIONS

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the conceptual site plan for the Paul Holmes residential lot, located at 150 East 200 South, with the following conditions:

1. All fees shall be paid; including all related development fees.
2. The applicant shall submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Ordinance.
3. All utilities shall be indicated on the final site plan.
4. All utility provider sheets shall be submitted to City staff at the time of the final site plan application.
5. The applicant shall submit detail to City staff concerning the expected overall height of the residential building as part of the final site plan.
6. All necessary easements need to be provided as per City Engineer.
7. All related impact fees need to be paid, as per City's Fee Schedule.

SUGGESTED REASONS FOR THE ACTION:

1. The applicant has clearly shown how the property may be developed [Section 12-21-110(d)(2)].
2. The applicant has submitted a full application [Section 12-21-110(d)(1)].
3. Proposed utility easements are required on all developed lots [Section 12-21-110(e)(2)(iii)(d), 15-5-106(8)].
4. A final site plan application shall be required for submittal [Section 12-21-110(e)].



PROPERTY LINE _____
ADJACENT PROPERTY _____
EXISTING INDEX CONTOUR _____ 4220 _____
EXISTING MINOR CONTOUR _____
PUBLIC UTILITY EASEMENT (P.U.E.) _____
SETBACK _____
FENCE LINE _____
CURB, GUTTER, SIDEWALK _____
EXISTING SPOT ELEVATION _____
④ 4804.04
100

A PUBLIC UTILITY EASEMENT FOUND ALONG THE EAST, SOUTH, AND WEST BOUNDARIES OF A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF BLOCK 20, PLAT "A", CENTERVILLE TOWNSITE SURVEY, DAVIS COUNTY, UTAH, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE GRANTOR'S PROPERTY, SAID POINT MOUNT
 NORTH 67°54'52" EAST 82°7'17" FEET FROM THE MONUMENT AT THE INTERSECTION OF MAIN
 STREET AND 1ST STREET, TO THE SOUTHEAST CORNER OF THE NORTH 69°34'43" EAST ALONG THE
 PARCEL LINE TO THE SOUTHWEST CORNER OF 200'00'00" (EAST), AND RUNNING
 THENCE NORTH 60°00'21" EAST 120.62 FEET ALONG THE PARCEL LINE TO THE NORTHEAST
 CORNER OF SAID PARCEL;
 THENCE NORTH 89°02'41" EAST 7.00 FEET ALONG THE PARCEL LINE;
 THENCE SOUTH 89°02'41" EAST 7.00 FEET ALONG THE PARCEL LINE TO THE SOUTHWEST
 CORNER OF SAID PARCEL;
 THENCE SOUTH 89°02'41" EAST 68.60 FEET;
 THENCE NORTH 0°00'00" EAST 112.58 FEET TO THE NORTH LINE OF THE PARCEL;
 THENCE NORTH 0°00'00" EAST 112.58 FEET ALONG THE PARCEL LINE TO THE NORTHEAST
 CORNER OF SAID PARCEL;
 THENCE SOUTH 89°02'41" EAST 25.38 FEET ALONG THE PARCEL LINE TO THE SOUTHEAST
 CORNER OF SAID PARCEL;
 THENCE SOUTH 89°04'45" WEST 80.00 FEET ALONG THE PARCEL LINE TO THE
 SOUTHWEST CORNER OF SAID PARCEL, BEING THE POINT OF BEGINNING.



PAUL HOLMES

150 EAST 200 SOUTH
LOCATED IN THE SOUTH 1/2, BLOCK 20, PLAT "A", CENTERVILLE TOWNSHIP SURVEY
CENTERVILLE CITY, DAVIS COUNTY, UTAH

DRAWN BY: DATE 03/20/15	
APPROVED FOR DATE	DATE
REV.	BY
SHEET 1 OF 1	
SHEET NAME TOPG	
DRAWING NAME TOPG	
PROJECT NO. 15-145	

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT: JEFFERY D. COOK
380 SOUTH MAIN STREET
CENTERVILLE, UT 84014
email:jeff@cookbuilder.com

PROPERTY OWNER: LIAHONA ONE, LLC
577 NORTH 100 EAST
CENTERVILLE, UT 84014

PROPERTY: 134 SOUTH MAIN STREET

ACREAGE: 0.9 ACRES

ZONING: COMMERCIAL-MEDIUM (C-M)/SOUTH MAIN STREET
OVERLAY ZONE – TRADITIONAL MAIN STREET DISTRICT

APPLICATION: CONCEPTUAL SITE PLAN ACCEPTANCE

RECOMMENDATION: OPTIONS ARE PROVIDED FOR ACCEPTING OR
REJECTING THE CONCEPTUAL SITE PLAN SUBMITTAL

BACKGROUND

The applicant desires to construct a duplex on spare land area of the existing commercial (i.e. *dental office*) site. Although there is an opportunity to allow residential uses for the site, this ability is constrained by the existing development layout, which renders it unable, without significant redevelopment costs, to meet the “mixed-use” requirements of the Traditional Main Street Lot Type. Therefore, the applicant is seeking input from staff and the Planning Commission regarding the feasibility of allowing the duplex use through other means, such as but not limited to, rezoning, Ordinance amendments, subdividing, flag lot allowances, etc.

CONCEPTUAL SITE PLAN SECTION 12-12-110(d)

According to the Zoning Ordinance, a conceptual site plan is not intended to permit actual development of property and such review does not create a vested right (e.g. *city authorization*) to develop. However, it is intended to represent how the property could be developed so that the applicant can receive feedback from the Planning Commission. The Commission may accept, accept with conditions, or reject the conceptual site plan. Any conditions of acceptance are to be limited to items to conform the conceptual site plan to Ordinance requirements and standards.

Uses Allowed Section 12-48-080

As indicated earlier, residential uses are allowed in the Traditional Main Street District, as part of a mixed-use development (*see Section 12-48-080.c*). However due to the existing layout of the site, it is not eligible for the mixed-use allowance unless the site can be brought into compliance with the Traditional Main Street Lot Layout Standards (*see Section 12-48-020, Scope & 12-48-030, Substantial Alteration*). Therefore, the applicant is seeking direction regarding alternative options to see if a duplex could be constructed in another manner.

Summary of Other Potential Alternatives

From staff's review, seeking other options would require several significant steps that the City may or may not find appropriate to allow for the development of the duplex. These steps are summarized as follows:

- i. Rezone a Portion of the Parcel – have the duplex area that is tied to the Traditional Main Street District Lot Type rezoned to a multi-family zone, such as Residential-Medium, which would remove the mixed-use requirement.
- ii. Subdivide the Land – in order to rezone the duplex area, it would need to be subdivided first. Zone boundaries are to be created with certainty (*see Section 12-30-050, Rules for Locating Zone Boundaries*). Thus, it requires a subdivision of the parcel to create a zone boundary between the area of the Traditional Main Street District and the area for the duplex to be zoned multi-family.
- iii. Amendments and/or Waivers to Zoning or Subdivision Ordinances - From staff's review, there is likely not sufficient frontage (i.e. 60 feet) on a public street to create a legal lot in a residential district (*see Table 12-32-1*). Thus, it would require the applicant to seek some type of Ordinance amendment or other allowance to reduce the street frontage requirement (e.g. *reduce the lot width requirement or seek a flag lot subdivision*).
- iv. Flag Lot Subdivision - Currently, the Flag Lot Ordinance is limited to the A-L and R-L Zones. Thus, the City's Subdivision Ordinance regarding flag lots would need to be amended to include properties zoned for multiple family allowances to also utilize flag lot development.
- v. Site Plan Amendment – Existing Approval – From staff's review, it appears that there are several parking stalls associated with the commercial use located near and adjacent to the duplex area. Thus, any subdivision of land cannot reduce the required number of on-site stalls, unless the Planning Commission approves an off-site parking allowance in conjunction with any changes to the site. Furthermore, the commercial site will be required to meet the landscaping and buffering standards adjacent to the property boundary of any residentially zoned land.

STAFF'S CONCLUSION

After reviewing the conceptual site plan, staff believes the applicant has clearly shown how the property could be developed. However, the plans do not meet the current relevant City Codes and Ordinances and several significant steps would need to happen to make the current proposed layout even feasible.

PLANNING STAFF RECOMMENDATIONS

Staff Suggested Action Option #1 – I hereby make a motion for the Planning Commission to **ACCEPT** the conceptual site plan for Huffaker Dental Property Duplex, as follows:

1. The acceptance of this conceptual site plan is not intended to permit actual development of property and such review does not create a vested right (*e.g. City authorization*) to develop.
2. The acceptance of this conceptual site plan is intended to represent how the property could be developed so that the applicant can receive feedback from the Planning Commission.
3. The acceptance of this conceptual site plan does NOT indicate that the proposed plan meets the current relevant City Codes and Ordinances. Furthermore, several significant steps would need to happen to make the current proposed layout even feasible, such as, but not limited to, the following:
 - Lot Frontage Width Regulations – Obtain an amendment to the Subdivision Ordinance to allow flag lots to be used in the multi-family zoning districts, or amend the “lot frontage width” requirements for the residential zones.
 - Site Plan Amendment – Obtain a site plan amendment for the commercial use and address the applicable Zoning Ordinance requirements, including but not limited to, parking, landscaping, and buffers.
 - Subdivision of Land - Secure a subdivision approval to facilitate establishment of a zone boundary opportunity between the area of the Traditional Main Street District and the area for the duplex to be zoned multi-family.
 - Rezone of Duplex Site – If the subdivision and site plan amendments are secured, obtain a rezone for the duplex site to a multi-family zoning district (*e.g. R-M Zone*).
4. The acceptance of this conceptual site plan does NOT indicate the City's commitment or the future probability of making the current proposed layout even feasible.

Staff Suggested Action Option #2 – I hereby make a motion for the Planning Commission to **REJECT** the conceptual site plan for Huffaker Dental Property Duplex for the reasons, as follows:

- a. The Planning Commission finds that due to the existing layout of the site, it is not eligible for the mixed-use allowance, unless the site can be brought into compliance with the Traditional Main Street Lot Layout Standards (*see Section 12-48-020, Scope & 12-48-030, Substantial Alteration*).
- b. The Planning Commission finds that the submitted plans do not meet the current relevant City Codes and Ordinances and several significant steps involving, but not limited to,

rezone, Ordinance amendments, site plan amendment, and subdivision, would need to happen to make the current proposed layout even feasible (*see staff's report*).

Keep Area in Traditional Main Street Commercial (?)

Rezone to a multi-family district (?)

Off-Site Parking (?)

DUPLEX USE Proposed

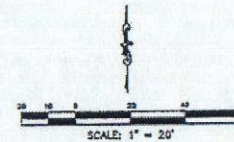
Existing C-M Zone
Traditional Main Street

COMMERCIAL USE
Existing

Existing R-M Zone

Narrow Lot Frontage (?)

Commercial Use Buffering & Landscaping (?)



DESCRIPTION	ADJACENT	SQ. FT.	%
LOT AREA	0.888	28,300	=
LANDSCAPE AREA	28	16,000	40%
BUILDING AREA	28	3,200	9%
ASPHALT/CONCRETE AREA	44	16,000	40%

PERMITS REQUIRED	SEWER, WATER, TRAILER
PARKING PROVIDED	40 SPACES

LEGEND	
---	UTILITY EASEMENT
---	EXISTING SANITARY WATER LINE
---	NEW 6" DIA. GLASS 150 P.S.I. WATER LINE
---	NEW 6" DIA. WATER
---	NEW FIRE HYDRANT
---	EXISTING FIRE HYDRANT
---	EXISTING SEWER LINE
---	NEW 12" DIA. SEWER LINE
---	EXISTING 4" OR 6" DIA. SEWER MANHOLE
---	NEW 4" OR 6" DIA. SEWER MANHOLE
---	EXISTING STORM DRAIN
---	NEW 12" DIA. STORM DRAIN
---	EXISTING 4" OR 6" DIA. STORM DRAIN MANHOLE
---	NEW 4" OR 6" DIA. STORM DRAIN MANHOLE
---	24" STORM DRAIN CURB VALVE
---	24" STORM DRAIN INLET
---	NEW DRIVEWAY
---	NEW BUILDING
---	NEW CONCRETE
---	EXISTING 3" DIA. GUTTER & OUTLET
---	EXISTING 4" DIA. GUTTER & OUTLET
---	NEW CATCH BASIN & OUTLET
---	NEW RELEASE GUTTER & OUTLET



DESIGNED BY
TODD & MAUREEN HUFFAKER
277 N. 100 E.
CORTLANDT, UT 84014
(407) 264-0721

HILL & ARGYLE, Inc.
Engineering and Surveying
111 North 200 West, Suite 400, Provo, UT 84601
(801) 744-3333 Provo, UT 84601

SITE & UTILITY PLAN
HUFFAKER CENTERVILLE
TODD & MAUREEN HUFFAKER
134 SOUTH MAIN STREET
CENTERVILLE CITY, DAVIS COUNTY, UTAH

DATE	DATE	DATE	DATE	DATE	DATE
08/10/16	08/10/16	08/10/16	08/10/16	08/10/16	08/10/16
08/10/16	08/10/16	08/10/16	08/10/16	08/10/16	08/10/16
08/10/16	08/10/16	08/10/16	08/10/16	08/10/16	08/10/16
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**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

**APPLICANT: CENTERVILLE CITY PLANNING COMMISSION
 C/O DAVID HIRSCHI, CHAIR
 250 NORTH MAIN STREET
 CENTERVILLE, UTAH 84014**

APPLICATION: ZONING CODE TEXT AMENDMENTS

**APPLICANT REQUEST: AMEND CENTERVILLE CITY ZONING ORDINANCES TO
 ALLOW FOR THE DEVELOPMENT AND USE OF
 ACCESSORY DWELLING UNITS (ADUs)**

**RECOMMENDATION: CONSIDER RECOMMENDING APPROVAL OF THE
 ZONING CODE TEXT AMENDMENTS TO THE CITY
 COUNCIL**

BACKGROUND

Over the past months of 2014, the Planning Commission has held some public discussion meetings to assess the possibility of allowing accessory dwelling units as part of the housing options within the City. The Commission hosted both general feedback and a roundtable discussion meeting, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such a housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns regarding allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss.

DRAFT ADU ORDINANCE SUMMARY

The draft Ordinance is compiled using typical standards found throughout many Utah cities. However, such 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. Each section contains a brief description of the issues described in the

Ordinance section. Additionally, staff has performed several edits as discussed in the previous meetings held by the Commission.

Purpose – General Ordinance language describing the “why” of the Ordinance.

Scope – General Ordinance language setting the “who” of the Ordinance.

Definitions – General Ordinance language referencing the use of terms and locations for further understanding.

Use Allowed – General Ordinance language describing the allowance and zoning districts regarding ADUs. Ordinance currently only proposes ADU use in (A-L) and (R-L) Zones.

Limitations, Termination, and Exemptions – Specific Ordinance language addressing the parameters for ADU use. ADU use fundamentals such as occupancy, density, location, measurement, termination, and exceptions are identified.

General Development Standards – Specific Ordinance language setting terms and conditions of ADU use with regards to ensuring that the dwelling is subordinate to the primary home. The regulations address establishment, space and size, setbacks, heights, parking, etc.

Design Standards (Optional Consideration) – Specific Ordinance language addressing visual aesthetics for additions or detached structures. Elements identified include use of exterior materials, entrance locations, roof pitch, window treatment, etc.

Occupancy Requirements – Specific Ordinance language establishing an owner occupancy requirement and/or when a termination is warranted. The regulations also allow a temporary leave of absence before any cessation is required. A written recorded agreement with specific terms and conditions is required as part of establishing an ADU.

Other Applicable Regulations and Codes – General Ordinance language referencing other applicable codes and requirements such as building and fire codes.

Conditional Use Required – General Ordinance language indicating the requirement to obtain a conditional use permit to allow an ADU use.

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text amendment. These required factors are found in Section 12-21-080(e) of Centerville City’s Zoning Ordinance. Staff’s review and conclusions for these factors are provided below:

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

- ✓ [Moderate Income Housing Plan Statement] **Goal 6-D** – “Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City”

- **City Objective 6-D.4** – “Consider Adopting an ‘Accessory Dwelling’ Ordinance with design standards. Such allowances may also be considered ‘conditional uses’ in single family zones...”
- **City Objective 6-D.5** – “Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.”

Staff’s Conclusion – The objective is to consider the use of ADUs. Additionally, the concept of also including design standards was to be considered. Thus, staff concludes that **the proposed Ordinance is consistent** with the City’s Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards.

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

Staff Response: The **proposed Ordinance includes several compatibly elements** to maintain neighborhood characteristics, such as:

- ADUs are to be clearly and distinctly subordinate to the primary use
- Owner Occupancy Requirements
- Location & Size Limitations
- Design Expectations

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

- **Staff’s Response:** **The proposed Ordinance 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. The listed parameters, restrictions or limitations include:

- Size & Location
- Minimum and Maximum Habitable Space Area for ADU
- Provision of Parking Spaces for Both House and ADU
- Provision of Yard Areas for Both House and ADU
- Design Standards (*optional considerations*)
 - Exterior Finishes
 - Location of Entrances
 - Roof Pitch & Eave Expectations

ADDITIONAL CONSIDERATIONS – IMPACT FEES

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

PLANNING STAFF RECOMMENDATION

Staff Suggested Action #1 – REOPEN the Public Hearing to allow for comment regarding the other sections mentioned (i.e. Definitions & Table of Uses) mentioned in the draft regulations and then close the public hearing and discuss the matter.

Staff Suggested Action #2 - I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs), as follows:

1. *Amend Title 12–Zoning by adding Chapter 12-60-Accessory Dwelling Units, as submitted, or modified by the Planning Commission.*
2. *Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.*
3. *Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L Zones, as submitted to the Commission.*

Suggested Reasons for Action (findings):

- a. *The Planning Commission finds that the proposed Ordinance is consistent with the City’s Moderate Income Housing Element concerning the use of ADUs.*
- b. *The Planning Commission finds that the proposed Ordinance includes several compatibly elements to maintain expected neighborhood characteristics.*
- c. *The Planning Commission finds that the proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.*

[New Section] **Chapter 12-60-Accessory Dwelling Units**

1

[Add]	12-60-010.	Purpose
	12-60-020.	Scope
	12-60-030.	Definitions
	12-60-040.	Use Allowed
	12-60-050.	Limitations, Termination, and Exemptions
	12-60-060.	General Development Standards
	12-60-070.	Design Standards
	12-60-080.	Occupancy Requirements
	12-60-090.	Other Applicable Regulations and Codes
	12-60-100.	Conditional Use Required

[Add] **12-60-010. Purpose**

The purpose of this Chapter is to establish the use and development regulations for the allowance of accessory dwelling units (ADUs) within the City. These regulations are intended to provide opportunity for secondary separated living quarters (i.e. dwelling unit) for the elderly to be taken care of by family members, or permit alternative housing options for newly married couples or the return of adult children, or even perhaps for those who are on a fixed income to supplement a mortgage payment. Provided however, that the ADU is to be clearly and distinctly **an accessory** use to the approved primary building use ~~and size~~ located on the property and must not disrupt the residential environment and character of single-family neighborhoods.

[Add] **12-60-020. Scope**

The requirements of this Chapter shall apply to any ADU created or established within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville City Code, or other laws.

[Add] **12-60-030. Definitions**

Certain words and phrases in this Chapter, including uses, are defined in this Chapter and in Chapter 12-12 of this Title.

[Add] **12-60-040. Use Allowed**

(a) *Permitted.* ADUs are to be allowed in residential zones as set forth on the Table of Uses Allowed in Chapter 12-36 of this Title. Permitted and conditional uses are indicated by “P” or “C,” respectively. Uses not permitted are indicated by “N.”

[Add] **12-60-050. Limitations, Termination, and Exemptions**

- (a) *Use in Combination.* An ADU shall be established as a secondary accessory dwelling unit in both use and size and shall only be established in combination with a primary single-family dwelling unit.
- (b) *Owner Occupancy Required.* An ADU shall only be established for single-family dwellings that are occupied by an owner in accordance with the “Owner Occupancy” requirements of subsection 12-60-080.
- (c) *Number allowed.* Only one (1) ADU is allowed for a:
- (1) Lot, parcel, or tract of land; and
 - (2) Main building or structure of a primary single-family dwelling.
- (d) *Location or Placement.* The ADU may be integrated within or a part of the primary use structure; or may be separated or detached from the primary structure provided its building or structure is located entirely within the yard area that is present behind (*rear portion*) the primary building of the lot or parcel.
- (e) *Separate Dwelling Units.* Any portion of a single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the single family dwelling does not have full and free access to the separated portion of the dwelling and such separated area contains living quarters which provide sleeping, sanitary, and fixed kitchen facilities, or any separate accessory building or structure containing the same, shall be subject to the provisions of this Chapter, regardless of the relationship of the occupants.
- (f) *Termination of ADU use.* The approval permit for an ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other action violates the provisions of this Chapter. Upon such termination of ADU use, the owner shall remove one or more features that make up an ADU including but not limited to living, sleeping, or kitchen facilities-including electrical, gas, or plumbing, as deemed acceptable to the City to render the ADU removed or unusable.
- (g) *Exemptions.* The following exemptions shall apply to the use of ADUs:
- 1) Accessory dwelling units shall not be included in the gross density calculations for single-family zoning districts (i.e. A-L and R-L Zones).
 - 2) Except as provided in this Chapter regarding establishing a separate dwelling unit, the provisions of this Chapter do not apply if a single family dwelling is wholly occupied by a family, as defined in Chapter 12-12-Definitions, or other laws.

[Add] **12-60-060. General Development Standards**

The development standards set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these development standards are to ensure that the ADU is clearly and distinctly an **accessory use** to the approved primary building use ~~and size~~ located on the property.

- (a) *Creation.* An ADU shall only be established through the following methods:
 - (1) Converting existing living area, attic, basement, other area of a main dwelling. The conversion of the primary dwelling's garage space is prohibited without providing the required parking stalls in another appropriately City approved location.
 - (2) Adding floor area to the main building.
 - (3) Integration of an ADU into the design plan for new construction of a single family dwelling.
 - (4) Constructing or converting a detached accessory building (e.g. guest house) for use as an ADU.
- (b) *Habitable Space and Size.* ADUs shall meet the following parameters for habitable space:
 - (1) Every ADU shall have a minimum habitable space of 200 square feet for each person occupying the ADU, or as amended by applicable state and local construction codes.
 - (2) The maximum area or size of the ADU dwelling shall not exceed 25% of the gross floor area of the primary dwelling unit (*for all types, conversion, additions, integrated or detached*) or 800 square feet, whichever is less.
 - (3) The primary dwelling unit shall maintain at least 900 square feet of habitable space separate from the ADU, if it is constructed or converted within the primary or main building.
- (c) *Setbacks.* ADUs shall meet the following:
 - (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable front, side, and rear yard setbacks for "main buildings" as listed in the development standards of its respective residential zone.
 - (2) Detached ADUs shall be setback as follows:
 - i. A minimum of 60 feet from the front lot line of a lot or parcel, or six (6) feet behind the primary or main building of the lot or parcel.
 - ii. A minimum of six (6) feet from any perimeter side or rear line of the lot or parcel.

1. *Exception.* For conversion of an existing accessory structure on a lot or parcel, the minimum six (6) foot setback may be reduced to the standard accessory building three (3) foot setback, provided there is sufficient emergency ingress/egress from all habitable space areas within the structure and the structure meets the applicable building and fire regulations.
- (d) *Heights.* ADUs shall meet the following:
- (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of its respective residential zone.
 - (2) Detached ADUs shall be limited to a height of 20 feet, as measured by the average of all four (4) sides of the building's elevation using the mid-point between the lowest eave and the highest ridge line.
- (e) *Parking.* At least one (1) additional parking space shall be provided for an ADU, provided however that the existing parking requirements for the primary dwelling are in place or restored if missing. The ADU parking space may be located in tandem with other required parking spaces. All required parking spaces must be located behind the front yard setback line of the lot.
- (f) *Yard Space.* Every ADU shall be provided yard space using one (1) of the following methods:
- (1) *Common Space.* The ADU and primary or main building may equally share yard areas for use by all occupants.
 - (2) *Private Space.* At least 200 square feet (25% if the maximum allowed ADU size) of yard area shall be provided for exclusive use by the ADU, regardless of its size.
- (g) *Bulk Rear Yard Area Limitation.* For detached ADUs, the combined building foot print coverage of the required rear yard area (*i.e. rear yard setback area*) for all accessory buildings, including the ADU, shall not exceed 20%.

12-60-070. Design Standards

The design standards set forth in this section **are to** apply to any ADU that is created or established within the City. The purposes of these design standards are to ensure ADU compatibility with the general pattern, character, and livability of Centerville's typical low density single-family neighborhoods.

- (a) *Exterior Finish Materials.* The exterior finish materials should be compatible with, or visually appear to be harmonious with the type, size, and colors, as the finish materials utilized on the primary or main building of the lot or parcel.
- (b) *Location of Entrances.* Only one (1) entrance may be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the ADU is located. All other entrances must be located on wall facades facing interior to the lot.
- (1) *Ground Entrance Restrictions.* Ground entrances are prohibited on a wall facade facing a perimeter lot line, unless such wall facade is at least 6 feet from a perimeter lot line.
- (2) *Upper Story Entrance Restrictions.* An upper story entrance (e.g. access from balconies and decks) having no other ground entrance are prohibited on a wall facade facing a perimeter lot line unless such wall facade is located 20 feet from the perimeter lot line.
- (c) *Roof Pitch.* The roof pitch should be the compatible or visually appear to be harmonious with the roof pitch style of the primary or main building of the lot or parcel in which the ADU is located.
- (d) *Windows.* Windows should be compatible or visually appear to be harmonious in proportion (i.e. width to height) and orientation (i.e. horizontal or vertical) to windows used for the main or primary building.
- (e) *Eaves.* Building eaves for ADUs should meet one of the following designs:
- (1) The eaves are to project from the walls the same distance as the eaves on the primary or main building.
- (2) The eaves are to project from the walls at least one (1) foot on all elevations.
- (3) If the primary or main building style has no eaves, then eaves are not required for the ADU.
- (f) *Exceptions.* If there is a conflict between these design standards and the adopted construction codes of the City, then the applicable construction code shall govern that particular design element.

[Add] **12-60-080. Occupancy Requirements**

The occupancy requirements set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate secondary separated living quarters (i.e. dwelling unit) with reasonable limitations on their use and to minimize the impact on neighboring properties and to the

desired setting of the City's single-family neighborhoods.

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- (a) *Definitions and Terms.* The following definitions or terms are applicable to the creation and use of ADUs;
- (1) *Owner.* An owner is defined as a person having at least 50% or greater interest in the property.
 - (2) *Full-time Residency.* Full-time residency means the owner must live in a dwelling for at least six (6) months of each calendar year.
 - (3) *Owner Occupancy Covenant.* A signed and notarized owner-occupancy agreement that is recorded on the property title for sanctioning an ADU.
 - (4) *Temporary Owner Absence Waiver.* An approval granting a waiver of the occupancy requirement due to specific short term or temporary absences.
- (b) *Full Time Owner Residency.* Either the primary dwelling or the ADU is to be occupied by a full time resident property owner, as shown on the Davis County Tax Assessment rolls.
- (c) *Owner Occupancy Covenant.* ADU owners must sign and record an "owner occupancy covenant" with the City and have it recorded with the Davis County Recorder prior to receiving an ADU permit. The covenant shall at minimum establish the following:
- (1) That he/she/ they are owner(s) of the property located in Centerville, Utah
 - (2) That he/she/they applied and received approval to construct or use an accessory dwelling pursuant to Centerville City ordinances.
 - (3) That the owner(s) of the property will restrict the use of the principal dwelling and ADU in compliance with Centerville City ordinances.
 - (4) That an owner with at least a 50% interest in the property will occupy either the primary dwelling or ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted by Centerville City ordinances.
 - (5) That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of an ADU, then the owners agree to remove one or more features that make it an ADU, including but not limited to living areas, sleeping areas, or kitchen facilities-including electrical, gas, or plumbing and further agree to terminate, in writing, the ADU permit and approval.
 - (6) That the covenant shall run with the land and be binding upon the owners, heirs, and assigns, and upon any parties acquiring any right, title, or interest in the property.
 - (7) That the owners and their heirs, successors, and assigns will inform all

prospective purchasers of the property of the terms and conditions of the covenant.

- (d) *Temporary Owner Absence Waiver.* The owner(s) shall comply with the Full-time Owner Residency Requirements or shall terminate, in writing, the ADU permit, as deemed acceptable to the City. Nonetheless, an owner may receive a waiver of the occupancy requirement upon submitting in writing evidence showing good cause such as:

- (1) Temporary job dislocation,
- (2) Sabbatical leave,
- (3) Educational pursuits, or
- (4) Illness

A waiver of the occupancy requirement may be granted, by the City's Zoning Administrator, up to a maximum of three (3) years. Thereafter, if not re-occupied, then ADU permit shall be deemed null and void and one or more features shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

[Add] **12-60-090. Other Applicable Regulations and Codes**

The creation and use of ADUs are subject to other pertinent codes, restrictions, and regulations that address applicable life, safety, and welfare concerns. Any ADU shall comply with the following:

- (a) *Construction and Fire Codes.* An ADU shall be subject to all related regulations regarding the construction and fire codes, as adopted by the City and State.
- (b) *Utilities and Charges.* An ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be in the property owner(s) name and the owner shall be responsible for the payment of such services.
- (c) *Development and Impact Fees.* *[Planning Commission believes that there should be flexibility in this matter and recommends that the City consider the following:*
- *Waiver or exemption when there would be no increase in demand or capacity previously paid in conjunction with the primary residence*
 - *Waiver or exemption when the area of the home being converted was already covered by previous paid fees*
 - *Consider applicable fees when there a capacity or demand is created with any detached ADU or other similar situation]*

- (d) *Addressing.* An ADU will not be given a new distinct address by the City. Such ADUs may refer mail to be delivered separately by the same address as the primary building using with a subsidiary numerical or alphabetical reference (e.g. 1390 West #4), as approved by the local postmaster and/or emergency service agencies.

[Add] **12-60-100. Conditional Use Permit Required**

The creation and use of ADUs are subject to the issuance of a conditional use permit pursuant to the requirements of Section 12-21-100 of this Title and the standards and requirements of this Chapter.

Related Zoning Ordinance Amendments

Chapter 12-12-Definitions;

- [Edit] Dwelling, Single-family, with Accessory ~~Apartment~~ **Dwelling Unit (ADU)** – A lot, parcel, or tract of land ~~building~~ having only one (1) primary dwelling unit and one (1) accessory dwelling unit.

Chapter 12-36-Table of Uses;

- [Edit] [Residential Uses] Dwelling, Single-family, with Accessory ~~Apartment~~ **Dwelling Unit (ADU)** – Strike **“N”** and list as a conditional use **“C”** in both the A-L and R-L Zones.