

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 5:30 P.M. ON WEDNESDAY, MAY 11, 2016, 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)

- 5:30 A. **WORK SESSION – SOUTH MAIN STREET CORRIDOR PLAN (SMSC) WITH REPRESENTATIVES FROM UDOT AND WFRC**
- 7:00 B. **WELCOME AND ROLL CALL**
C. **PLEDGE OF ALLEGIANCE**
D. **PRAYER OR THOUGHT – Commissioner Scott Kjar**
E. **MINUTES REVIEW AND ACCEPTANCE – April 27, 2016 Planning Commission**
F. **COMMISSION BUSINESS**
- 7:10 1. **PUBLIC HEARING | PAGES LANE RAINBOW SNOW SHACK | 199 E PAGES LN**
Consider the proposed Conditional Use Permit for the Pages Lane Rainbow Snow temporary seasonal snow cone shack, to be located on property at 199 East Pages Lane
Gordon Pedersen, Pages Lane Rainbow Snow, LLC, Applicant
- 7:30 2. **PUBLIC HEARING | 347 SUBDIVISION | 347 NORTH 400 EAST**
Consider the proposed Small Subdivision Waiver/Flag Lot on property located at 347 North 400 East, for the purpose of creating 2 residential building lots
Chad Morris, Property Owner & Applicant
- 7:50 3. **CONTINUATION OF DISCUSSION ON CODE TEXT AMENDMENTS FOR SOUTH MAIN STREET CORRIDOR (SMSC) OVERLAY ORDINANCE [CHAPTER 12-48]**
[Postponed from April 13, 2016 meeting]
Consider the Code Text Amendments for the South Main Street Corridor (SMSC) Overlay Ordinance, which includes the City Council directives and changes to the South Main Street Corridor (SMSC) Public Space Plan
Centerville City, Applicant
- 8:15 4. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
• PC Meeting on May 25, 2016
Greg Pack Rezone 142/144 E 1200 S, SMSC Public Space Plan
- 8:20 G. **ADJOURNMENT**
Posted May 6, 2016 by Community Development



PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, April 27, 2016

7:00 p.m.

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

MEMBERS PRESENT

Kevin Daly
Becki Wright
David Hirschi, Chair
Gina Hirst
Logan Johnson

MEMBERS ABSENT

Cheylynn Hayman
Scott Kjar

STAFF PRESENT

Corvin Snyder, Community Development Director
Lisa Romney, City Attorney
Kathy Streadbeck, Recording Secretary

VISITORS

Jim & Ellen Rohletter	Ann Moore
Karen Buys	Tim Johanson
Vicky Ogden	Russell Knouse

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER Becki Wright

MINUTES REVIEW AND APPROVAL

The minutes of the Joint City Council/Planning Commission Work Session held March 23, 2016 were reviewed and amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Wright and passed by unanimous vote (5-0).

The minutes of the Planning Commission meeting held April 13, 2016 were reviewed and amended. Commissioner Hirst made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Daly and passed by unanimous vote (5-0).

PUBLIC HEARING | ROHLETTER SUNRISE LOT | 560 SOUTH 400 WEST -
Consider the following proposed applications: Request #1: Zone Map Amendment from A-
L (Agricultural-Low) to R-L (Residential-Low), the east parcel only at 0.291 acres, and;
Request #2: (Pending Actual Rezone Approval) Small Subdivision Waiver/Lot split, 2-Lots.
James Rohletter, Property Owner & Applicant.

Cory Snyder, Community Development Director, reported the applicant desires to divide their property in order to create a new buildable lot east of their existing home. The existing house is setback 160 feet from the 400 West property line. The proposed lot split will create a building lot along 400 West providing 0.29 acres for the new lot and 0.96 acres for the existing home. In addition, the applicant is requesting the new lot be rezoned to Residential-Low (R-L), since it would no longer meet the 1/2 acre minimum lot size, while the existing home would remain as Agricultural-Low (A-L) in order to continue utilizing the property for agricultural uses. The proposed zones (R-L & A-L) are consistent with surrounding uses in the area. The proposed rezone and subdivision are consistent with the General Plan, meet the criteria for a small subdivision waiver, and meet applicable zoning and subdivision requirements. The applicant will be required to construct a sidewalk along 600 South as part of the subdivision improvements. The applicant has shown the appropriate easements as required and will be required to pay all fees and bonds as required. The proposed small subdivision approval is contingent on the rezone approval by the City Council. If the City Council does not approve the rezone, the small subdivision approval will be invalid.

James Rohletter, applicant, thanked staff for their help in this process. He questioned the required setbacks for a corner lot.

Chair Hirschi opened the public hearing. Seeing no one wishing to comment; Chair Hirschi closed the public hearing.

Mr. Snyder reviewed the required setbacks for a corner lot explaining the setbacks can be flip flopped depending on how the applicant chooses to orient the home. Mr. Snyder also explained there is enough property for the applicant to create two (2) single-family lots in the R-L Zone but the application as presented only allows for one. Mr. Snyder reviewed the surrounding uses and zones. The majority of the surrounding zones are A-L with single-family uses. He said R-M is also located within Rawlings Circle.

Commissioner Wright said although this will create an island R-L Zone she believes the proposed use is compatible and harmonious with the surrounding single-family uses.

Lisa Romney, City Attorney, suggested an additional condition requiring the applicant to submit a legal description of the lot prior to City Council review and approval.

Chair Hirschi made a **motion** for the Planning Commission to approve the Small Subdivision Waiver/Lot Split for the Rohletter Sunrise Lot Subdivision, located at 560 South 400 West, with the following conditions:

Conditions:

1. Approval of this Small Subdivision Waiver/Lot Split shall be contingent on approval of the rezone for the "East Lot" by the City Council. If the rezone is not approved by the City Council, the applicant will be required to come back before the Commission and indicate a plan that meets the requirements for the A-L Zone.
2. The Small Subdivision Waiver/Lot Split shall be for the property located at 560 South 400 West.
3. A bond shall be posted by the applicant for all public improvements prior to the plat being recorded.
4. The applicant shall record the lot split at the Davis County Recorder's Office prior to obtaining a building permit.
5. A 4-foot sidewalk shall be constructed along Rawlins Circle (600 South), meeting the required Centerville City Engineering Standards.
6. All public utility easements shall be accepted by the Centerville City Council.
7. A building permit shall be issued prior to any construction on the property.

Reasons for the Action (findings):

- a. The applicant has submitted a complete application for a Small Subdivision Waiver/Lot Split [Section 15-2-107].
- b. The subdivision qualifies for the small subdivision waiver, in accordance with the criteria found in Section 15-2-107 of the Subdivision Ordinance.
- c. Two residential lots for single-family development is consistent with the goals of the Centerville City General Plan concerning development within Neighborhood 2, Southwest Centerville [Section 12-480-3(a)].
- d. The proposed subdivision meets the required development standards for the R-L Zone. [Chapter 12-32] and the A-L Zone [Chapter 12-31].
- e. With the above conditions being met, the general requirements for all subdivisions have been addressed and fulfilled [Chapter 15-5].

The motion was seconded by Commissioner Daly and passed by unanimous roll-call vote (5-0).

Commissioner Hirschi made a **motion** for the Planning Commission to accept the Zone Map Amendment for the "East Lot" of the Rohletter Sunrise Subdivision, located at 560 South 400 West, from Agricultural-Low (A-L) to Residential-Low (R-L), and to recommend approval to the City Council, with the following conditions:

1. Rezone to become effective upon recording and approval of the subdivision plat with all lots meeting the requirements of the underlying zoning.
2. The applicant shall provide the City with a legal description of the area proposed for rezone prior to the application going to the City Council.

Reasons for the Action (Findings):

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning Neighborhood 2 [Section 12-480-3(a)].
3. Adequate facilities are located within the subject property along 400 West and Rawlins Circle (600 South) [Section 12-21-080(e)(5)].

The motion was seconded by Commissioner Wright and passed by unanimous roll-call vote (5-0).

PUBLIC HEARING | THE COVE @ DEUEL CREEK | 362 SOUTH 400 EAST - Consider the proposed Small Subdivision Waiver/Lot Split on property located at 362 South 400 East, for the purpose of creating 3 residential building lots; which consists of 2 flag lots and 1 street frontage lot. Jacob Williams, Applicant.

Cory Snyder, Community Development Director, reported the applicant desires to develop a subdivision creating one (1) street frontage lot and two (2) flag lots. The proposal would require some minor lot line adjustments to secure the needed frontage and would resolve the overlapping buildings in the northwest corner of the proposed subdivision. The proposed subdivision is located within the "Old Townsite" as well as the Deuel Creek Historic District. The proposed subdivision meets the standards for a small subdivision waiver. In staff's opinion, the proposed subdivision is the only likely scenario for development as the property cannot accommodate a dedicated road width as required for a conventional subdivision. It is also likely that a lot this size, if left undeveloped, may become an un-kept nuisance to the area. Mr. Snyder reviewed the development standards for the flag lots; some adjustments will need to be made and several items addressed. The stem/pole driveway is proposed to be 25 feet wide. The South Davis Metro Fire District will need to address and approve access, a possible turn around and fire hydrant requirements. The applicant will also be required to work with Davis County and the City Engineer on a number of items. Staff suggests the small subdivision waiver be approved, but the actual subdivision approval be tabled until the applicant has addressed the remaining issues including drainage/water retention and the Deuel Creek channel requirements.

Jacob Williams, applicant, said there are a number of items that still need attention but he wanted to get preliminary feedback from the public on the project before the major engineering was completed. He said all items will be completed as required. He said the drainage plan is currently underway and it appears there will be adequate water retention on the site. He said the

1 Fire Marshal has approved the driveway stem without a turn around because it is less than 150
2 feet long.

3
4 Chair Hirschi opened the public hearing.

5
6 Karen Buys said she lives across the Deuel Creek channel to the west. She is concerned
7 with run-off. She said this is a downhill property. She said this property must be able to handle
8 not only its own run-off but the run-off from properties uphill. She said the surrounding
9 properties, including hers, were significantly impacted during the 1983 flood. She does not want
10 any run-off to negatively affect her property. She question what standards are followed when
11 requiring appropriate water retention. She questioned how the sewer will be constructed, as
12 sewer cannot run uphill. She questioned if this means that significant fill dirt will be added to the
13 site making the proposed homes significantly higher than surrounding homes. She said if fill dirt
14 is brought in, will it require a retaining wall along the Deuel Creek channel? She also asked if
15 proof of financial backing is required. She does not want to see the development only partially
16 completed.

17
18 Chair Hirschi closed the public hearing.

19
20 Jacob Webber, engineer for the project, said the initial drainage/water retention studies
21 have been completed. He said they are confident the site can handle the run-off of a 100-year
22 storm. He said they intend to upgrade the channel as needed and required by the County. He
23 reminded the public that the curb and gutter system was also created to direct run-off and is a
24 supporting system. He explained the 20-foot easement for the channel is no longer located in the
25 flood plain, but rather is just a simple access easement. He said fire access is sufficient as
26 approved by the Fire Marshal. He said they are working on a sewer plan. The Sewer District
27 does allow sewage to be pumped uphill if necessary. He said the building height will be kept
28 within ordinance allowance. He said if fill dirt is necessary it will be kept to a minimum. He said,
29 worst case scenario, a 4-foot retaining wall will be needed.

30
31 Mr. Snyder said Davis County invested in a debris basin above this area after the 1983
32 flood. The debris basin can handle the debris flow from a 100-year storm, but the water will
33 continue to flow down the Deuel Creek channel. He said the standard for all engineering with
34 regard to drainage plans and water retention is a 100-year storm. The City Engineer will work
35 with the applicant and Davis County to ensure the drainage plan is adequate without creating a
36 negative effect on surrounding properties. Mr. Snyder discussed fill dirt and grading. He
37 explained building height is measured from the average grade after fill dirt is installed. This
38 could create a potential for imposing structures. He said at this point it is not clear whether a
39 retaining wall will be needed. He also reviewed the City's standard for proof of financial
40 backing.

Commissioner Wright questioned if there are other flag lots within the Deuel Creek Historic District. Mr. Snyder said the Deuel Creek Historic District was anticipated as a hot spot for flag lots since many of the properties are under-utilized, i.e., small single-family homes on large lots. He said the flag lot ordinance takes spacing into consideration because of these under-utilized parcels. He said the Deuel Creek Historic District previously allowed duplexes, which there are several duplexes in the area that could be viewed as compatible with flag lot uses.

Commissioner Johnson made a **motion** for the Planning Commission to approve the request of a small subdivision waiver/flag lot for the project located at 362 South 400 East, with the following findings:

- a. The Planning Commission finds that the property involved was and is not a part of a previous subdivision plat approval by the City.
- b. The Planning Commission finds that the property involved qualifies for a "Small Subdivision Waiver" in accordance with Section 15-2-107.
- c. The Planning Commission finds that there are no adjacent streets stubbed to and could not eventually be constructed to or through the area to provide proper street frontage to the property as part of a conventional subdivision.
- d. The Planning Commission finds that integrating the property with adjacent property assemblages would not result in developing a lot layout that could be approved as part of a conventional subdivision.

The motion was seconded by Chair Hirschi and passed by unanimous roll-call vote (5-0).

Commissioner Johnson made a **motion** for the Planning Commission to table action for the approval of the subdivision, as submitted, for the project located at 362 South 400 East, with the following directives to be completed or submitted for further consideration by the Planning Commission:

1. A final plat (paper version) subdivision plat shall be prepared in accordance with City Subdivision Plat Layout Standards. This paper plat version shall be deemed prepared and acceptable by the City Attorney and City Engineer prior to submittal for approval by the Commission.
2. The final paper version of the plat shall be corrected to meet the flag stem and maintenance requirements for flag lots, and be deemed acceptable by the City Attorney and City Engineer.
3. The final paper plat version shall provide the required build area meeting the 2,000 minimum standards for each lot.
4. The final paper plat version shall be reviewed by the South Davis Metro Fire District and be deemed acceptable to the Fire Marshal, as to the subdivision's compliance

with applicable fire codes and/or to the fire related requirements of the Flag Lot Ordinance.

5. The final subdivision construction plans shall be prepared and submitted to the City Engineer. The construction plans shall address the comments of the City Engineer, as addressed in the related staff report and any other applicable regulations as identified or deemed necessary by the City Engineer.
6. The applicant shall prepare or provide a plan to address the lot line adjustments prior to the recording of any final subdivision plat.

The motion was seconded by Commissioner Hirst.

Commissioner Daly made a *motion to amend* to include a condition (#7) requiring the applicant receive approval by the Sewer District for all sewer construction on all proposed lots. The motion was seconded by Commissioner Johnson and passed by unanimous vote (5-0).

Commissioner Hirst made a *motion to amend* to include a condition (#8) requiring the applicant include drawings and specifications regarding grading and possible retaining walls. The motion was seconded by Commissioner Wright and passed by unanimous vote (5-0).

Chair Hirschi called for a vote on the original motion as amended. The motion as amended passed by unanimous roll-call vote (5-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next regularly scheduled Planning Commission meeting will be Wednesday, May 11, 2016. Work session with UDOT and WFRC at 5:30 p.m. Regular meeting to follow at 7:00 p.m.
2. Upcoming Agenda Items:
 - 347 North 400 East, Small Subdivision Waiver
 - Snow Shack, Conditional Use Permit

The meeting was adjourned at 8:25 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: WINEGAR BORTHERS
C/O DIRK WINEGAR
P.O. BOX 365
NORTH SALT LAKE CITY, UT 84054
(winegarbrothers@aol.com)

APPLICANT: PAGES LANE RAINBOW SNOW, LLC
C/O GORDON PEDERSEN
208 EAST 650 NORTH
BOUNTIFUL, UT 84010
(gpetersen@live.com)

PROPERTY: 199 EAST PAGES LANE
CENTERVILLE, UT 84014

ACREAGE: 0.01 ACRES

ZONING: COMMERCIAL – HIGH (C-H)

APPLICATION: TEMPORARY USE/CONDITIONAL USE PERMIT

BACKGROUND

For a number of years and at this location, a retail seasonal sales use (i.e. Rainbow Snow) operated each summer season. City records of the Community Development Department do not indicate when and how this use was originally approved. However, the business license records show an annual renewal was received each year for this site from 1998 through 2014. The license records also indicate that the business failed to renew a City Business License in 2015. Thus, the business license was deemed inactive/closed by the City.

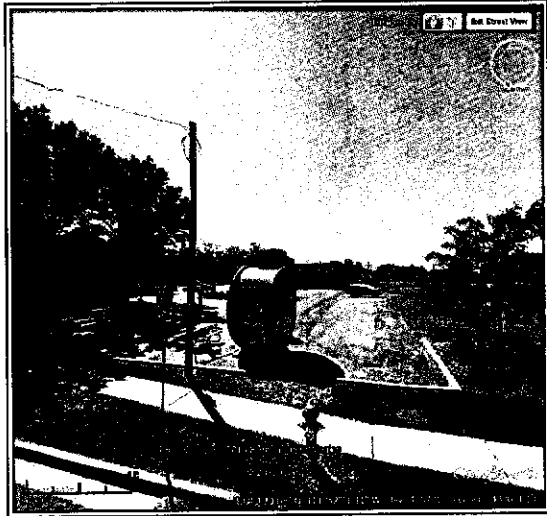
According to the City Zoning Ordinance, when a land use ceases for 12 consecutive months (see Nonconformities, Abandonment - 12-22-100) or Expired/Abandoned (see Conditional Use, 12-21-100.j), a previous nonconforming or CUP land use approval will be considered expired. Thus, the Zoning Administrator has determined that the proposed use, as proposed – exceeding permitted use time limits, is currently only allowed as Temporary Use requiring a Conditional Use Approval (see Section 12-56-060). Therefore, the applicant must seek a new

land use approval from the Planning Commission and secure the required permit from the City.

According to Chapter 12-56 of the Zoning Ordinance, the selling of shaved ice from a temporary structure is considered "temporary retail sales." However, a temporary use permit for temporary sales, as a permitted use, can only run ten (10) days per event, and no more than four (4) events per year [Section 12-56-050(e)]. Since the applicant desires to run the shaved ice stand over the summertime months, it does not conform to the permitted use development standards for a temporary use permit. Nonetheless, Section 12-56-060 states that when a temporary permitted use does not conform, it may still be established within the commercial zones, if a conditional use permit is issued. Therefore, the applicant has submitted the necessary information for the review of a conditional use permit for the proposed temporary retail sales use.

SITE INFORMATION

The previous and now proposed location is within the "old" Dick's Market Development (i.e. Pages Lane area) parking lot, in which the shaved ice stand was located in the past (see illustration photo and the submitted site plan).



DEVELOPMENT STANDARDS – CONDITIONAL USE PERMIT

According to Section 12-56-070, the same development standards for a permitted temporary use shall apply, unless they are expressly modified by the CUP approval. These primary standards (i.e. Section 12-56-050) are being summarized in this report, as written below:

Access – Adequacy of safe access for patrons and vehicles shall be based on the number of patrons reasonably expected for the use. Staff's review of the site plan and the past use that occurred, it appears that it has not historically created problems.

Inspection - The site may be inspected by authorized City or applicable agency review. In the past and due to a food sales operation, the Davis County Health Department has reviewed and issued a specific operational permit, often expiring at the end of October each year. Staff recommends that any approval be subject to receiving the applicable health department permit.

Insurance – The Ordinance allows for third party insurance in behalf of the City to hold the City harmless for any claims resulting from the temporary use. Due to a possible safety hazard, this has been a consistent practice of the Zoning Administrator when issuing a permit for a "fireworks stand." The Commission may desire to seek advice from the City Attorney if there is any concern with the sales use.

Location – The proposed location is zoned Commercial-High (C-H). It is a qualifying area for the proposed temporary use.

Owner Approval – With the application submittal, the required “Owner Affidavit” was signed by the owner of the property.

Parking – The location of the use is part of a vacant and under-utilized neighborhood commercial area with plenty of excess parking. A temporary use for this year would not create parking problems for this site. However, the application does not include a “written statement” allowing use of the parking area.

Time Limit – The proposed operation appears to exceed the “temporary retails sales” limitations. Therefore, applicant is seeking a CUP approval from the Planning Commission to exceed the time limitation of the permitted use allowance (see CUP review section below).

Trash Removal – The regulation requires trash to be removed within 24 hours of expiration of the temporary permit and requires any disturbance of the site to be restored within seven (7) days.

CONDITIONAL USE PERMIT

Since the applicant desires to exceed the permitted time allowance, the application also requests that the “time limit” be modified by the Planning Commission. The CUP is to review the permitted use requirements, as well as the standards for issuing a CUP. Since, the permitted use standards have been addressed above, this section of the report will specifically address the request for a time allowance for the summer season.

Factors of Approval

Section 12-21-100(e)(3)(A-D)

- The historical use of the site occurred for this particular operation endured for over 15 years. This time included the period when the old Dick’s Market was operating. Thus, staff does not believe any unknown impacts or problems will occur in the summer season, as a temporary use.
- The General Plan does not specifically address temporary types of uses within the commercial districts. It does, however, encourage commercial development that provide services for the citizens of Centerville [Section 12-430-1] Staff believes the cultural custom of selling flavored shaved ice was and is economically a feasible service to the residents and visitors of Centerville.

Factors to be Reviewed [Section 12-21-100(e)(5)(A-K)]

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

Due to the past history of this proposed use, the “snow shack” appears to be in harmony with the surrounding businesses, since it is temporary in nature and does not require an abundance of space, or parking. Also, the location and layout appears to be suitable or compatible with the surrounding businesses. Additionally, there are no other approved temporary conditional use permits within this area.

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

As mentioned previously, the impact of a "snow shack" is minimal on the community. The applicant will need to ensure that the area around the shaved ice stand is kept clean from any trash or debris that may be created by workers and patrons. Therefore, a garbage facility needs to be provided and emptied on a regular basis. The applicant will not be in need of water connections, since the "shack" facility will have a water tank. The shaved ice stand will not produce offensive noise, smells, glare, dust or other pollutants, and appears to not be harmful in relation to the health and safety of the surrounding community in any way.

There are three (3) unaddressed concerns of staff. The plans do not specifically address any electrical use and/or type of connections, the ability for workers and patrons to have access to restroom facilities that are typical for a food service, and the use of signs for advertising. The applicant needs to address these issues as part of the operation.

Adequate Access, Parking, Lighting and Circulation (H)

Access to the shaved ice stand is from Pages Lane driveway to the site and/or from internal lanes from the shopping center. The applicant has not addressed the use of accessory lighting. However, a public street light is located across the street to the north so there may be no further need for lighting fixtures. From review of the site and as addressed earlier, there are plenty of parking stalls to support the temporary use.

PLANNING STAFF RECOMMENDATION

Suggested motion for the conditional use permit for Pages Lane Rainbow Snow – I hereby make a motion for the Planning Commission to approve a conditional use permit for a temporary shaved ice stand, located at 199 East Pages Lane, subject to the following conditions.

1. The conditional use permit shall be in effect from the approval date by the Planning Commission and shall expire on October 31, 2016.
2. The placement of the shaved ice stand shall be located and operated, as depicted on the site plan, and as submitted to the Planning Commission.
3. Any temporary signage use shall comply with temporary sign allowances of Chapter 12-54 of the Zoning Ordinance.
4. The structure and site shall be free from unnecessary decorative items such as flags, pennants, or any other temporary items that may blow away from the structure or site.
5. A garbage can shall be provided for workers and customer use and shall be emptied regularly and the area be kept clear from trash and debris.
6. The applicant shall provide additional information and be deemed acceptable to City staff, prior to issuance of any business license, which addresses the following:
 - The use of electricity and any connections, which shall be approved by the building official or other applicable entity.
 - The provision of restroom facilities for workers and patrons, unless expressly exempted from David County Health Regulations.
 - Written permission from the property owner allowing use of the on-site parking stalls.

7. The use shall be subject to and comply with the existing adopted City "Noise Ordinance," which regulates noise between the hours of 10:00 p.m. to 6:00 a.m.
8. Following the expiration date, the applicant shall have seven (7) days to remove all items from the property and restore the site to its prior condition.

Suggested Reasons for the Action (Findings):

- a. Chapter 12-54 allows for a temporary retail sales use consisting of less than 200 square feet.
- b. A temporary use not meeting the permitted use development standards of Section 12-56-050 is required to receive a Conditional Use Permit [Section 12-56-060].
- c. The applicant desires to exceed the permitted use time limits, as listed in Section 12-56-050.g.
- d. All applicable standards for the Conditional Use Permit have been reviewed and the use is deemed acceptable, subject to the conditions of approval [Section 12-21-100(e)(3)(A-D), Section 12-21-100(e)(5)(A-K)].

Gordon Pedersen
Pages Lane Rainbow Snow, LLC
208 E 650 N, Bountiful UT 84010
Tel 801-336-7633
gpetersen@live.com

APRIL 20, 2016

Centerville City Community Development Department
655 North 1250 West, Centerville UT 84014

Dear Community Development Department,

I was disappointed to learn that the previous owner of the Rainbow Snow shack (Caleb Ward 801-814-5686 caleb.ward50@gmail.com) seasonally located at 199 E Pages Lane, allowed the business to be operated in 2015 by a friend, without a Centerville City Business permit. This information was not provided to me when I purchased the physical building earlier this month. I believed it had operated legally and could continue to do so because I was provided the 2014 and 2015 Davis County Health Department certificates (attached).

Attached is the requested Centerville City Conditional Use Permit Application, with the required items. As a military officer and war Veteran, I am committed to following the rules and procedures, in order to operate this business legally. If there are any meetings or hearings that I am required to attend, or should attend, please notify me.

Our family is pursuing this Conditional Use Permit because we recently purchased a home near where this business has operated for more than 25 years, and as a child my wife and her friend would walk to this Rainbow Snow to buy snow cones. Beyond the nostalgia of operating this business, we plan on using it to teach our children a strong work ethic and sense of community belonging. We look forward to (hopefully) continuing to operate this business in the same location.

Thank you for your consideration,



Gordon Pedersen

OWNER, PAGES LANE RAINBOW SNOW, LLC

1-16-2016
RECEIVED
APR 20 2016
CENTERVILLE CITY

Statement – Pages Lane Rainbow Snow, LLC.

To the best of my knowledge, this conditional use permit application meets the approval standards of Centerville City Title 12 – Zoning, Article 2, Chapter 12-21-100.

All requested documents/items are included in this packet:

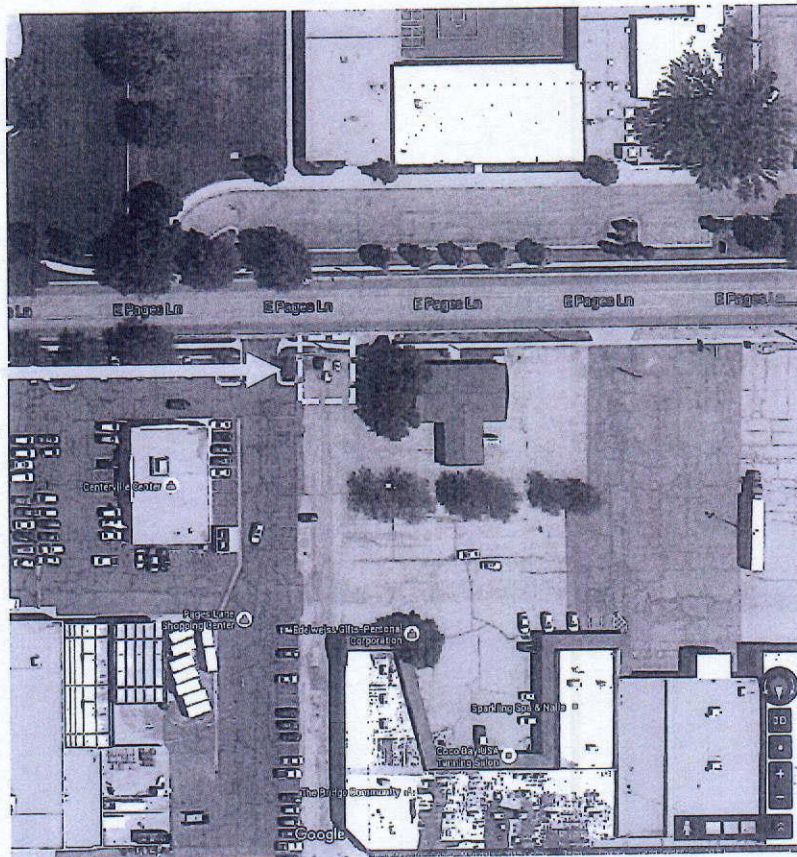
- Application & Property Owner Affidavit,
- Filing Fee of \$300.00
- Plot Plan.
- Statement.
- Traffic Analysis (not requested).
- Other Information (not requested).

All conditions of 12-21-100 (e) (3) have also been met, as with the exception of 2015-this was an existing business in Centerville.

- (A) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
 - Health, safety, or general welfare are inspected and certified by Davis County Environmental health Department.
 - No construction or changes to location are proposed.
- (B) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing of the neighborhood and the community.
 - The business location has remained the same for 25+ years, and is zoned C-H.
Continued lease of the property will reduce the number of vacant tenants of the location.
- (C) The proposed use will comply with regulations and conditions specified in this Title for such use; and (D) comply with the general plan.

Plot Plan - Pages Lane Rainbow Snow, LLC

- Applicant Name: Gordon Pedersen (Owner, Pages Lane Rainbow Snow, LLC).
- Site Address: 199 E Pages Lane, Centerville UT 84014
- Property boundaries and dimensions: Consists of a 4' x 4' concrete pad just to the south of the sidewalk at 199 E Pages land (West of former bank building).
- Layout of existing and proposed buildings, parking, landscaping, and utilities: There is no proposed change to any existing buildings, parking, landscaping, or utilities. Existing utilities consists of Rocky Mountain power pole and meter (#51358710).
- Traffic Analysis: The proposed Rainbow Snow has operated at this location for more than 25 years. Approval should not have any effect to existing seasonal traffic patterns.





Rainbow Snow, LLC.
199 East Pages Lane

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT: CHAD MORRIS
533 WEST VALLEY DRIVE
CENTERVILLE, UT 84014

EMAIL: chadmorris33@gmail.com

PROPERTY OWNER: MARTHA FAIRCHILD, TRUSTEE
347 NORTH 400 EAST
CENTERVILLE, UT 84014

PROPERTY: 347 NORTH 400 EAST

ACREAGE: .46

ZONING: RESIDENTIAL-MEDIUM (R-M)

APPLICATION: SMALL SUBDIVISION WAIVER/FLAG LOT

RECOMMENDATION: APPROVE THE SMALL SUBDIVISION WAIVER/FLAG
LOT FOR TWO LOTS

BACKGROUND

Chad Morris desires to create a flag lot at the property located at 347 North 400 East. The site will consist of two lots, Lot 1 being 6,064 square feet and Lot 2 being 13,869 square feet. The property is found within the Residential-Medium (R-M) Zone, which was granted approval for flag lots from the City Council on July 7, 2015. According to Chapter 12-32 of the Zoning Ordinance, the R-M Zone allows for 4 units per acre and up to 8 units per acre with a conditional use permit. The Zoning Ordinance further states in Chapter 12-36, Table of Uses, that the R-M Zone requires a Conditional Use Permit for a single-family dwelling and a multi-family dwelling, however a two-family dwelling is an allowed use for this zone. The applicant desires at this time to receive the flag lot approval and then decide at a later date what type of dwelling is desirable for the lot and what additional approvals may be needed.

SMALL SUBDIVISION PROCESS

General Plan

The General Plan calls out this location as Neighborhood 1, Southeast Centerville and within the Centerville Elementary Area [Section 12-480-2(1)(b)]. This section states that the area was zoned R-2 (R-M today), "partly in an effort to recognize the number of duplexes that were in existence in the area, and also to allow for more efficient development of the block interiors." This section further states in Goal 1, "The residential area around the Centerville Elementary School shall allow for low and medium density residential development to accommodate more efficient use of the large interior blocks that are common in this area." Finally, the project is also found within the Centerville Deuel Creek Historic District.

The proposed lot is maintaining the Residential-Medium Zone and is creating a development that is more efficient in a larger interior block. Therefore, the proposal meets the goals of the General Plan.

Small Subdivision Waiver Section 15-2-106

A small subdivision is defined as a subdivision of not more than two (2) lots or a subdivision which includes the use of flag lots [Section 15-1-104(45)]. Since the property located at 347 North 400 East is being divided into a flag lot, with a total of two lots, it qualifies for the small subdivision waiver, as long as it meets the criteria found in Section 15-2-107 of the Subdivision Ordinance.

Criteria

- (a) The small subdivision does not require dedication of land for a street or other public purpose;

➤ **Staff Response:** No land in association with division will require the dedication of any property to be used for a street. The lot facing 400 East has adequate street frontage, and Lot 2, behind the 400 East property, has an adequate stem width of 25 feet. 400 East is already a dedicated public right-of-way with a paved street and a constructed sidewalk.

- (b) The small subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the master street plan;

➤ **Staff Response:** According to the Master Street Plan, 400 East is considered a collector street [Section 12-450-1]. It does not appear that 400 East will be widened in the near future. Additionally, the Master Street Plan does not indicate any plan for a new road to be constructed through the proposed subdivision.

- (c) The lots are not part of a small subdivision approved less than three years earlier.

➤ **Staff Response:** The proposed lot is not part of any previous subdivision and with the approval of a small subdivision/lot split, the properties will be legal according to Centerville City's Ordinance.

Zoning Ordinance Requirements Section 15-2-107(2)

Each lot must meet the zoning requirements for the Residential-Medium (R-M) Zone concerning frontage, width, and set backs.

Applicable Development Standards for the Residential Medium (R-M) Zone (Table 12-31-1)

347 North 400 East, Lot 1 (Existing Home)			
Development Standards	Required	Actual	Comply
Building Standards			
Distance Between Buildings	6 Feet	N/A	
Maximum Height	35 Feet	Unavailable	
Lot and Parcel Standards			
Buildable Area	2,000	2,047 Square Feet	Yes
Minimum Frontage	60 Feet	75 Feet	Yes
Buildable Area, minimum, range of length/width ratio	2:1 and 1:2	76 x 128	Yes
Gross Density	4 Units Per Acre	1 Single Family	Yes
Setbacks			
Front	25 Feet	30 Feet	Yes
Rear	20 Feet	26 Feet	Yes
Side Yards	8 Feet Minimum total width of both side yards: 18 Feet	29 Feet North 13 Feet South	Yes

Flag Lot, Lot 2 (Flag Lot Standards, Section 15-5-102(a))			
Development Standards	Required	Actual	Comply
Lot and Parcel Standards			
Minimum Area	10,800 Square Feet	13,869 Square Feet	Yes
Minimum Stem/Pole Frontage	25 Feet	25 Feet	Yes
Minimum Stem/Pole Length	80 Feet	106 Feet	
Buildable Area	2,000 Square Feet	3,104 Square Feet	Yes
Setbacks			
Front	16 Feet	Actual setback of structure has not yet been determined	
Rear	16 Feet		
Side yards	16 Feet		

It appears the development standards have been satisfied.

Improvements or Utility Easements Section 15-2-107(3)

The existing lot has all the necessary improvements and the plans indicate all applicable utilities being stubbed into the new lot. Staff has received Utility Provider Sheets from the South Davis Sewer District, South Davis Metro Fire Agency, and Rocky Mountain Power, stating that each can provide proper service. The applicant will still need to submit other

applicable agency review sheets indicating adequate service may be provided. The plans indicate public utility easements will meet the City Standards. These easements must be approved by the City Council and recorded with the new subdivision at the Davis County Recorder's Office.

City Engineer Review Comments that will Need to be Addressed:

1. Show new 20' hard surface driveway with cross section.
2. Show water meter size.
3. Provide plan and profile of new 8" diameter drain line including 48" diameter manhole for connection in 300 North street.
4. Provide detention calculations and detail of inlet box in detention basin with orifice plate and oil/water separator.
5. Provide verification that sewer district will allow connection to existing sewer lateral to adjacent home to the south.
6. The sidewalk on 400 East is in decent shape but there may be some sections that need to be removed and replaced.

General Requirements for all Subdivisions Chapter 15-5

It appears that both lots have been designed to meet the standards for development within the R-M Zone. The new proposed lots are developable and able to be built upon and adequately meet the new criteria for flag lots concerning configuration and area requirements. Finally, as stated earlier, both lots are in harmony with the goals of the General Plan.

FLAG LOT REVIEW SECTION 15-5-102 (9) – (10)

Conditions for Flag Lot Creation, Section 15-5-102(9)(a)-(e)

As indicated above, the proposed flag lot was not part of any subdivision plat approval and was found to meet the Small Subdivision Waiver requirements found in Section 15-2-107. No streets are being stubbed to the property, and no streets could eventually be constructed through the area and still meet the development standards for a conventional subdivision. In fact, staff does not find the lot suitable to be integrated with surrounding property to become a conventional subdivision and views the lot as being underutilized in its current format. By leaving the property in its current condition, the possibility of a nuisance to the area may increase.

Staff believes this property meets the conditions to become a flag lot and utilize the property into two developable lots.

Flag Lot Development Regulations, Section 15-5-102(10)(a)-(d)

(a) Flag Lot Configuration:

- **Staff Response:** This has been reviewed on page 3, as part of the applicable Development Standards and was found to meet the required configuration.

(b) Flag Lot Yard Area Requirements:

- **Staff Response:** This has been reviewed on page 3, as part of the applicable Development Standards. As a reminder, all buildings must be constructed on the flag portion of the lot. The main building must also meet all required setbacks of 16 feet on all sides adjacent to another property. If the applicant desires to construct an accessory structure, such as a detached garage or shed, it must be 6 feet from any other structure and 3 feet from an adjacent property line.

(c) Stem Pole Use and Maintenance:

- i. Driveway Access, Minimum Width: Stem/pole driveway must be in cement or asphalt pavement and be a width of 10 feet, intersect a public street and meet the City Standards for a drive approach. If a fire lane is required, it must have necessary pavement and shoulders with an unobstructed minimum width of 20 feet, as required by the fire code.
 - **Staff Response:** The stem has been measured at 25 feet and will be required to have a 20-foot fire lane. For additional fire access and protection, see regulation (d) ii, for response from the South Davis Metro Fire Agency
- ii. Stem/Pole, Multiple Use (sharing):
 - **Staff Response:** This criteria discusses multiple flag lots on one stem and would not apply to this project.
- iii. Stem/Pole Addressing Area: An area fronting the public street is required to have a permanent address sign or marker. The sign may not be higher than 3 feet and no larger than 12 square feet. It must be visible, yet still meet the standards found in Section 12-55-230, Visual Obstruction Standards.
 - **Staff Response:** This will still be required and be verified at the time Lot 2 receives a final inspection after construction.

(d) Utilities and Related Services:

- i. Utilities and other services: All utilities, related services and easements must be provided in accordance to City Ordinances and any requirements recommended by the City Engineer.
 - **Staff Response:** The site plan indicates proposed utilities and easements in accordance to applicable City Ordinances. For additional engineering concerns that will need to be addressed with the construction drawings, see page 4.
- ii. Fire Access Protection: Fire hydrants, emergency access and turn-a-rounds shall be provided in accordance with the applicable fire code regulations, and other applicable regulations and Ordinances adopted by the City, State, and any requirements recommended by the City Engineer, upon consultation with the Fire Marshal and the Police Chief.

- **Staff Response:** The South Davis Metro Fire has reviewed the applicants plan and did not indicate that a new fire hydrant would need to be placed near the development. The City Engineer and Public Works Director will still need to verify they will not require a new fire hydrant in relation to City Standards. In addition, Deputy Fire Marshal Todd Smith, submitted the following statement concerning the developed:

“The requirement’s we have for this project shall include a fire lane with a minimum width of 20’ wide (**IFC 503.2.1**), the fire lane will need to be marked with approved signs on both sides of the road (**IFC 503.3, IFC Appendix D D103.6 & IFC Appendix D D103.6.1**), no parking is allowed on any portion of the dedicated fire lane access (**IFC 503.4**), & the fire lane shall support the imposed loads of a fire apparatus (75,000 pounds) with an all-weather driving surface (**IFC 503.2.3 & IFC Appendix D D102.1**). The fire lane requirements for this project will start at 400 East and continue west until it reaches Lot #2 on the North/East corner. The road length is less than 150’ from 400 E. to Lot #2 on the North/East corner, so there is no need for the developer to provide a turnaround or a hammerhead for fire department access. These requirements are based on the largest building that may be built on Lot #2, & the setback requirements from Centerville City. If a smaller structure is built on Lot #2, than the fire lane access may not be required to continue as far down the access road to Lot #2”

- iii. Storm Water Drainage and Control: Flag Lots must comply with Section 15-5-105 in regard to stormwater, or provide an alternative method of a storm drainage management system acceptable to the City Engineer.

- **Staff Response:** The City Engineer has requested the applicant provide detention calculations and detail of an inlet box in the detention basin with orifice plate and oil/water separator. Along with this detail, a profile plan showing the 8-inch drain line and the 48-inch manhole for the connection to 300 North, be indicated.

CONCLUSION

Staff has concluded that the applicant has met all the requirements found within the Subdivision Ordinance in relation to a small subdivision waiver/lot split and flag lot. As a reminder, when the applicant decides on what type of residential development he desires, he will need to come before the Planning Commission with a conditional use permit. Finally, the City Attorney has made the following comments for the subdivision plat that will need to be addressed prior to recording.

City Attorney Comments and Corrections for the 347 Subdivision Final Plat:

1. Correct spelling of “State” in second line of Surveyor’s Certificate.
2. Add street addresses for each lot.

3. Show fire access easement on plat per Fire Department requirements.
4. Add owner's signature line for Chad S. Morris along with proper acknowledgement for individual.
5. Add owner's signature line and proper acknowledgment for Mortgage Electronic Registration Systems, Inc. (MERS) as beneficiary of Deed of Trust shown on title report or get trust deed released and provide updated title report.
6. Add plat note: "All coordinates shown are based on Davis County Surveyor's Office Datum."
7. Add plat note: "Approval of this subdivision plat by Centerville City does not constitute any representation as to the adequacy of sub-surface soil condition nor the location or depth of groundwater tables."
8. Pay off delinquent property taxes in amount of \$110.67 and submit revised title report showing cleared.
9. Update date on plat in heading when submit final paper plat or mylar.
10. Submit updated title report current within 30 days when submit final paper plat or mylar.
11. Submit signed Improvements Agreement and bond when submit final paper plat or mylar.
12. Pay development and impact fees when submit final paper plat or mylar.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Small Subdivision Waiver/Flag Lot for property located at 347 North 400 East. I hereby make a motion for the Planning Commission to approve the Small Subdivision Waiver/Flag Lot for the project located at 347 North 400 East, with the following conditions:

1. The applicant shall address with City staff the type of residential development that is desirable on the property and seek a Conditional Use Permit approval by the Planning Commission. This shall be accomplished prior to any building permit being issued on the site.
2. A plat note shall be added stating: Since the property is zoned Residential-Medium (R-M), any new development within the flag portion of the lot, on Lot 2, shall be required to receive a Conditional Use Permit or amended by the City
3. The location of all future structures shall be indicated on the site plan with the Conditional Use Permit. All buildings shall be located within the flag portion of Lot 2.
4. All future buildings shall meet the Development Standards for a flag lot within the R-M Zone as found within Section 15-5-102(a) of the Subdivision Ordinance and within Table 12-31-1 of the Zoning Ordinance.
5. All applicable utility provider sheets shall be submitted prior to recording of the subdivision.
6. The following engineering concerns shall be addressed by the applicant prior to recording of the subdivision:
 - a. Show new 20' hard surface driveway with cross section.

- b. Show water meter size.
 - c. Provide plan and profile of new 8" diameter drain line including 48" diameter manhole for connection in 300 North street.
 - d. Provide detention calculations and detail of inlet box in detention basin with orifice plate and oil/water separator.
 - e. Provide verification that sewer district will allow connection to existing sewer lateral to adjacent home to the south.
 - f. The sidewalk on 400 East is in decent shape but there may be some sections that need to be removed and replaced.
7. The need of a fire hydrant shall be reviewed and addressed by the City Engineer and Public Works Director to ensure City Standards have been satisfied.
8. The following fire safety items shall be addressed by the applicant as part of the development and construction process:
- a. The following fire lane requirements for this project shall start at 400 East and continue west until it reaches Lot 2 on the northeast corner.
 - b. This project shall include a 20-foot fire lane with an all-weather driving surface that is able to support a fire apparatus (75,000 pounds).
 - c. The fire lane shall be clearly marked with approved signs on both sides of the road indicating that no parking is allowed on any portion of the dedicated fire lane.
 - d. The road length is less than 150 feet from 400 East to Lot 2 on the northeast corner, so there is no need for the developer to provide a turnaround or a hammerhead for fire department access.
 - e. These requirements are based on the largest building that may be built on Lot 2, and the setback requirements from Centerville City. If a smaller structure is built on Lot 2, than the fire lane access may not be required to continue as far down the access road to Lot 2
 - a. Stem/Pole Addressing Area: An area fronting the public street is required to have a permanent address sign or marker. The sign may not be higher than 3 feet and no larger than 12 square feet. It must be visible, yet still meet the standards found in Section 12-55-230, Visual Obstruction Standards.
9. An area fronting the public street shall be required to have a permanent addressing sign or marker. This sign shall not exceed 3 feet in height and be larger than 12 square feet. It shall be visible, yet still meet the Visual Obstruction Standards as found in Section 12-55-230 of the Zoning Ordinance. This addressing shall be completed prior to the final inspection and receiving a Certificate of Occupancy.
10. The following items shall be addressed and reviewed by the City Attorney prior to recording of the plat:
- a. Correct spelling of "State" in second line of Surveyor's Certificate.
 - b. Add street addresses for each lot.
 - c. Show fire access easement on plat per Fire Department requirements.
 - d. Add owner's signature line for Chad S. Morris along with proper acknowledgement for individual.

- e. Add owner's signature line and proper acknowledgment for Mortgage Electronic Registration Systems, Inc. (MERS) as beneficiary of Deed of Trust shown on title report or get trust deed released and provide updated title report.
- f. Add plat note: "All coordinates shown are based on Davis County Surveyor's Office Datum."
- g. Add plat note: "Approval of this subdivision plat by Centerville City does not constitute any representation as to the adequacy of sub-surface soil condition nor the location or depth of groundwater tables."
- h. Pay off delinquent property taxes in amount of \$110.67 and submit revised title report showing cleared.
- i. Update date on plat in heading when submit final paper plat or mylar.
- j. Submit updated title report current within 30 days when submit final paper plat or mylar.
- k. Submit signed Improvements Agreement and bond when submit final paper plat or mylar.
- l. Pay development and impact fees when submit final paper plat or mylar.

Suggested Reasons for the Action (Findings):

1. The applicant has submitted a completed application for a small subdivision waiver/lot split [Section 15-2-107].
2. A small subdivision matches the desired goal for Neighborhood 1, Southeast Centerville and within the Centerville Elementary Area [Section 12-480-2(1)(B)].
3. The property is currently zoned Residential-Low (R-M) and has met all the applicable preliminary development standards found in Chapter 12-32 of the Zoning Ordinance.
4. The general requirements for all subdivisions appear to have been addressed and fulfilled [Chapter 15-5].
5. The flag lot has met all applicable standards found in Section 15-5-102(9)-(10) of the Subdivision Ordinance.
6. A Conditional Use Permit shall be required for a single-family home on Lot 2, along with any other multi-family, except for a two-family dwelling, which is an approved use [Chapter 12-36 and Chapter 12-12].

