



CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON SEPTEMBER 8, 2021 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET. THE AGENDA IS SHOWN BELOW.

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

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

The full packet of backups can be found at <http://centerville.novusagenda.com/agendapublic>.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

D. COMMISSION BUSINESS

1. ADMINISTRATIVE DECISION - Public Hearing - Conceptual Site Plan, Amended - ACC Auto, Truck World - 155 S. Frontage Road

The applicant desires to receive a conceptual plan acceptance from the Planning Commission to allow them to pursue an addition parking lot expansion for their dealership located on the Frontage Road – the former Land Rover Dealership.

2. Land Use Training - Municipal Land Use, Development, and Management Act - Part 7 - Appeal Authority and Variances

Land use training and discussion regarding Part 7 (Appeal Authority and Variances) of the Municipal Land Use, Development, and Management Act

3. Community Development Director's Report

Next Planning Commission Meeting - **September 22, 2021:**

- *Conceptual Site Plan - Young Power Sports*
- *Partial Rezone from C-H to C-VH, Young Power Sports*
- *Final Site Plan - The Lane*
- *Small Subdivision - Juarez property*

City Council Report:

- *Report 9/7 Council Decisions for Fencing and Internal ADUs*

E. MINUTES REVIEW AND ACCEPTANCE

July 28, 2021

F. ADJOURNMENT

Mackenzie Wood
Centerville Assistant Planner

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
9/8/2021**

Item No. 1.

Short Title: ADMINISTRATIVE DECISION - Public Hearing - Conceptual Site Plan, Amended - ACC Auto, Truck World - 155 S.Frontage Road

Initiated By: Applicant - Darcy Yancie

Staff Representative: Planning Staff - Cory Snyder

SUBJECT

The applicant desires to receive a conceptual plan acceptance from the Planning Commission to allow them to pursue an addition parking lot expansion for their dealership located on the Frontage Road – the former Land Rover Dealership.

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ 08-25-2021 PC Staff Report - Conceptual Site Plan, Amended ACC Auto, Truck World
- ☐ Conceptual Site Plan, Amended Submittal for ACC Auto, Truck World

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: **HADLEY PROPERTY LLC
C/O SHARIF HADLEY
6516 GOLDEN BEAR
PARK CITY, UT 84098**

APPLICANT: **ACC AUTO SALES – TRUCK WORLD
C/O DARCY YANCIE
155 SOUTH FRONTAGE ROAD
CENTERVILLE, UT 84014
(darcyjyancie@gmail.com)**

PROPERTY: **155 SOUTH FRONTAGE ROAD
(FORMER LAND ROVER DEALERSHIP)**

ACREAGE: **3.9 ACRES (TOTAL SITE)**

ZONING: **COMMERCIAL – VERY HIGH (C-VH)**

APPLICATION: **CONCEPTUAL SITE PLAN ACCEPTANCE –
DISPLAY/PARKING LOT EXPANSION OF ADJACENT
UNDEVELOPED PROPERTY**

BACKGROUND

The applicant desires to receive a conceptual plan acceptance from the Planning Commission to allow them to pursue an addition parking lot expansion for their dealership located on the Frontage Road – the former Land Rover Dealership.

Due to the changes being made to the 2011 approved amended CUP and site plan, the project requires another conceptual site plan acceptance to amend their site to expand. With this particular request, the expansion must comply with the applicable development standards for the remaining undeveloped area, as presently adopted. Afterwards, the applicant may seek final site plan approval in conjunction with an amendment to the amended CUP approval.

PREVIOUS CONDITIONAL USE PERMIT AND SITE PLAN APPROVALS FOR THE LAND ROVER FACILITY

The original conditional use permit was approved in February of 1998. The following conditions were approved for the vehicle sales use:

1. *Strict compliance with adopted sign regulations for both temporary and permanent signs.*
2. *Compliance with all conditions of the permit. The City may at its discretion bring back the site plan and/or conditional use permit for compliance review if it is noticed that the use or site is not complying with the approval given.*
3. *Hours of operation be from 9:00 a.m. to 7:30 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays.*
4. *Any additional car sales on phase 2 will require a separate conditional use permit and site plan review.*
5. *The use of the site is subject to the limitations imposed on it by the adopted final site plan and that no modifications be made to the site or changes to the use without prior authorization by the Planning Commission and/or City Council.*
6. *Any division of the existing property into lots will subject the conditional use and site plan to further review and may void any prior approval. Furthermore, the division or sale of any portion of the property is prohibited without an approved lot split or subdivision.*
7. *The use will be limited primarily to new car sales.*

The **original final site plan** was approved in February of 1998, subject to following conditions:

1. *Comply fully with the conditional use permit.*
2. *Implement all the landscaping for the entire frontage of the site at this time.*
3. *Complete final clarification of requested items at staff level.*
4. *Obtain proper permits for all signs and structures on the site.*
5. *Approval upon removing the green trim across the top of the block on the walls.*
6. *Recommend they look closely at reducing or softening intensity of lighting on site with additional review by staff.*
7. *If desired, allow the cultured stone to be dropped from the building.*
8. *That proper drainage of the site be finalized by the City Engineer.*

A previously **approved amended site plan** (demonstration track) was granted in July 1998, subject to the following recommendations:

1. That the overall landscaping on Phase I not be reduced to less than 10% as required.
2. That the new display area is temporary and will not be allowed to be counted towards Phase I site plan for Land Rover Centerville when the second phase of the site is developed. This area with its corresponding lights, fencing, etc., are to be eventually permanently incorporated into the second phase only. This is because the next phase may not have less than the 150 feet of frontage as required.
3. That the demonstration track be kept solely on private property unless otherwise allowed by the City. The track may not extend into City property.

A previously **approved amended site plan** (carwash & storage) was granted in January 2000, subject to the following recommendations:

1. No offsite parking will be allowed;
2. Exact architecture, i.e., colors, material, textures be used on the addition; and
3. The Sewer District approve the car wash expansion and submit this approval to the City.

An **unauthorized expansion** (*partial parking lot area*) occurred in October of 2004 and the owner was served notice on October 18, 2004. The owner proceeded to apply for the expansion approval as part of joint development project with All Seasons Spa using the remaining undeveloped portion of the project site. On January 28, 2005, All Season Spa withdrew their intent to develop the site and the expansion remained in violation of City Ordinances.

Later in September of 2011, the owner corrected the violation and obtained the required approval for the 2004 expansion. This approval included an amended CUP and the site plan, which were subject to the following conditions:

Conditional Use Amended:

1. *Strict compliance with adopted sign regulations for both temporary and permanent signs.*
2. *Compliance with all conditions of the permit. The City may at its discretion bring back the site plan and/or conditional use permit for compliance review if it is noticed that the use or site is not complying with the approval given.*
3. *Hours of operation [shall] be from 9:00 a.m. to 7:30 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays.*
4. *Any future expansion, beyond the amendments approved on October 12, 2011, into the undeveloped area shall require an amendment to the either the site plan or CUP approval, as may be applicable at the time of such future expansion or use of this unused area.*
5. *The use of the site is subject to the limitations imposed on it by the amended site final site plan approval of October 12, 2011.*
6. *Any division of the existing property into lots will subject the conditional use and site plan to further review and may void any prior approval. Furthermore, the division or sale of any portion of the property is prohibited without an approved lot split or subdivision.*
7. *The use will be limited primarily to new car sales.*

Site Plan Amended:

1. *The approval is limited to the proposed expansion, as depicted in the final site plan submittal.*
2. *On-site signing shall consist of one (1) freestanding sign and one (1) monument sign, as depicted on the final site plan submittal.*
3. *A phasing plan is hereby approved, and the undeveloped area must be maintained in accordance with City Ordinances. All unused areas must be clear of debris, rubble, or other similar accumulations. The unused accessory building must be maintained in a safe manner or be removed if deemed dangerous in the future by the City.*
4. *The applicant shall provide, and staff shall verify proper amount of shrubs for interior parking lot landscaping with issuance of the building permit.*
5. *All use of lighting shall comply with Section 12-55-140(a) with regards to shielding residential properties.*
6. *The final site plan is subject to the review, approval, and payment of fees to any applicable utility provider, including City provided services.*

A **limited expansion reduction** was approved in 2012, where the owner sought to reduce site development plan related to the 2011 amended approval. The owner desired to reduce the expansion costs by reducing the initial size of the building addition and the display area expansion. These changes were approved by the Zoning Administrators follows:

1. *The site plan amendment shall be for Land Rover located 155 South Frontage Road only*
2. *The amendment shall cover the modifications found on the August 17th site plan, except for the south driveway entrance.*
3. *The south driveway entrance shall be replaced with landscaping and a curb and gutter that will meet all applicable city standards.*
4. *A plan indicating the new landscaping and curb and gutter shall be submitted to city staff for review and approval prior to the construction of all public right-of-way improvements.*
5. *The completion of the curb gutter and landscaping shall be completed prior to the issuance of any bond release.*
6. *Land Rover shall still be responsible in following all previously approved conditions of approval from the March 2, 2012, amended site plan and the October 14, 2011, Planning Commission meeting.*
7. *The applicant shall continue working with the City Engineer in regard to all onsite drainage*
8. *A bond shall be posted, and all applicable fees shall be paid prior to receiving a building permit for the curb and gutter*

In 2014, this **limited expansion reduction** was modified again, due to some design layout problems. The owner stated that in order to place trees in the location shown on the approval (*i.e., south side internal parking area*), they would be required to dig up the parking area to accommodate irrigation. The trees were to be relocated to other existing and proposed parking landscape areas along the north property line. Again, the Zoning Administrator approved this modifications, as follows:

1. *The site plan amendment shall be for Land Rover located 155 South Frontage Road only*
2. *The amendment shall cover the modifications found on the September 11, 2014, site plan.*
3. *All landscaping shall be completed prior to the issuance of any bond release.*
4. *Land Rover shall still be responsible in following all previously approved conditions of approval from the March 2, 2012, amended site plan and the October 14, 2011, Planning Commission meeting.*

CONCEPTUAL SITE PLAN REIVEW - CZC 12.12.110(d)

Table of Uses Allowed, CZC 12-36 - Within the Table of Uses List, a vehicle sales use is a conditional use within the C-VH Zone. Also, according to Condition #4 of the 2011 CUP approval indicates that

“Any future expansion, beyond the amendments approved on October 12, 2011, into the undeveloped area shall require an amendment to the either the site plan or CUP

approval, as may be applicable at the time of such future expansion or use of this unused area.”

Therefore, it is staff’s position that because the conceptual plan seeks a continued expand the site into the “undeveloped area,” the applicant will again need to also seek to amend the CUP approval in conjunction with this development approval during final site plan review process.

General Plan Review

The Centerville City General Plan indicates this area is within Neighborhood 2, Southwest Centerville of the South Frontage Road Commercial Area [12-480-3(c)]. The General Plan gives several goals, which have the following points:

- *Future commercial development in this area shall be limited to retail commercial type uses that will present a more attractive gateway image of the City.*
- *Future retail must be appropriately buffered from residential areas.*
- *Development should only be allowed in such a manner that will minimize impacts upon the Frontage Road, primarily by keeping the number of curb cuts as few as possible.*
- *Future development in this area should be carefully considered for its appearance from I-15, as this is an important entrance into the City.*

The conceptual plan does address the design of the expansion and generally matches the existing layout that supports completing the development of the entire site. However, as to the buffering expectations, the plan will need to address the following:

- ✓ *As required by the C-VH development standards, the site is to provide the appropriate buffer (i.e., 30 feet) along the residential boundary to the east (Residential-Medium Zone).*

Development Standards Review, CZC 12-34-1

In reviewing the applicable development standards, it appears that some of the information is missing to ensure full compliance such standards, see the following below:

Applicable C-VH Development Standards 12-34-1			
Development Standard	Required	Actual	Compliance
Site Standards			
Buildable Area Minimum	No Requirement		
Floor Area per Building, Maximum	No Requirement		
Buffer Landscaping	30 feet to Residential	NOT DEPICTED	Undefined

Parking CZC 12.52 – According to the Zoning Ordinance, the project is required to provide space per 250 square feet of building space (*gross floor area*) plus one space per 10 vehicles displayed. The conceptual site plan provides now depicts 267 stalls where only 94 stalls are required. Each stall is measured at 9 feet by 18 feet, also meeting the required standard. However, the drive-isles are depicted at 24 feet; which does NOT meet the 25-foot requirement

for a two-way drive-isle. Some adjustments are needed to accommodate the ordinance drive isle widths dependent on creating two-way or one-way parking stall arrangements. The plans have also depicted four (5) handicap stalls, which amount needs to be re-verified by the Building Official.

NOTE: Areas used for solely for vehicle display and not needed to meet the ordinance minimums for the required parking would not be subjected to the parking stall size and the drive isle requirements. The final site plan submittal needs to address this distinction (see CZC 12.12.040, Definitions for “parking lot”).

Landscaping CZC 12-51 Although the plans indicate the general location of landscaping, no landscaping summary was indicated. The applicant will need to review Chapter 12-51 of the Zoning Ordinance to ensure compliance with these standards. Also, since the property is greater than one acre, it is required that a landscape architect prepare the landscape plan.

Required Landscaping Summary 12-51			
Guidelines	Required	Actual	Comply
Total Area Landscaping	15%	Unknown	TBD
Total Required Trees	1 Tree per 500 square feet of landscaping	Unknown	TBD
Trees for Street Frontage	1 per 25 linear feet	15 Trees	YES
Total Interior Parking Lot Landscaping	7%	Unknown	TBD
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 1 tree	Unknown	TBD
	For every six required stalls: 2 shrubs	Unknown	TBD
Buffer Landscaping	30 feet along property line abutting a Residential Zone	Undefined	TBD

Adequate Public Facilities, CZC 12.55.050 The site expansion involves additions to the storm water management system. The conceptual site layout proposed two (2) areas for the stormwater management system. The City Engineer is requesting the design engineer to provide the detention calculations to verify sufficient capacity. Additionally, only one of these areas depicts landscaping. The main basin needs to be landscaped in a sufficient manner to ensure proper maintenance. If the area is needed to comply with the overall 15% site landscaping, the area will need to comply with the plant requirements of CZC 12.51.070. However, the 30-foot buffer area will need to comply with the listed plantings and fencing of CZC 12.51.070(b). Lastly, any

easements necessary to provide services to the expansion area will need to be shown on the final site plan and later accepted by the City.

Other Considerations – In reviewing the site plan, there is an accessory building that is located in the southeast area of the site. The intended or past use of this building is unknown. In past discussions, the owner has represented that when this area is developed, the building would be removed. It appears that the building is partly located on the adjoining property. Additionally, this building would interfere with developing the expected 30-foot buffer and would render it non-conforming to current development standards. Therefore, it is staff's position that this building likely needs to be relocated or demolished, as required by CZC 12.22.100, which states:

"Any nonconforming use, structure, or other nonconformity which is not thus occupied or used for a continuous period of one year shall be deemed abandoned and shall not thereafter be reoccupied or used except in a manner that conforms to the requirements of this Title."

PLANNING STAFF RECOMMENDATION

This site has been through multiple phasing approvals in the past and that this last expansion phase completes the development of the property in its entirety. Consequently, there is a need to re-evaluate certain elements of the site to ensure compliance with the development provisions of the C-VH Zone, more specifically matters relating to overall site landscaping, buffer landscaping, and internal parking area lot landscaping and site circulation. Therefore, staff believes it can be approached in two (2) different methods. Therefore, staff is providing two (2) versions for the Commission to consider and determine which method is most preferable and/or appropriate.

[PROPOSED ACTION OPTION #1] - *I hereby make a motion for the Planning Commission to **ACCEPT** the Conceptual Site Plan for the ACC Auto – Truck World expansion, located at 155 South Frontage Road, with the following directives:*

- 1. The applicant shall submit a final site plan application meeting the submittal standards listed in CZC 12-21-110(e).*
- 2. In conjunction with the final site plan submittal, the applicant shall submit a conditional use permit application to amend the terms and conditions of the original CUP approval to include the land area to be used for Vehicle Sales.*
- 3. The final site plan submittal shall address the distinction between the parking lot area (to include all required parking stalls and meet drive isle measurements) and the area devoted to vehicle sales display.*
- 4. The Final Site Plan shall include the stormwater design calculations and any needed easements, which shall be deemed acceptable by the City Engineer. Additionally, the final site plan shall address the landscaping and maintenance matters for these areas, as mentioned in the staff report.*
- 5. The Final Site Plan shall address the matters related to the accessory building located in the southeastern portion of the site, as identified in the staff report.*
- 6. A landscaping plan shall be professionally created and submitted as part of the final site plan submittal. This landscaping plan shall meet all applicable requirements found in Chapter 12-51. The landscaping plan shall also address at minimum the following:*

- a. *Percentage of all on-site landscaping must be a minimum of 15%*
- b. *Percentage of internal parking lot landscaping must be a minimum of 7%.*
- c. *A listing of the types of vegetation to be planted, which must cover at least 75% of the required on-site landscaping.*
- d. *Provide the required 30-foot buffer landscaping and architectural element along site boundaries that are adjacent to residential zones located along the easterly perimeter.*
- e. *A listing of the total number and type of trees and shrubs to be used on site that meets the requirements of CZC 12.51.*

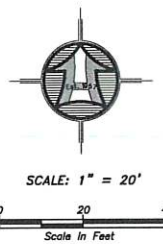
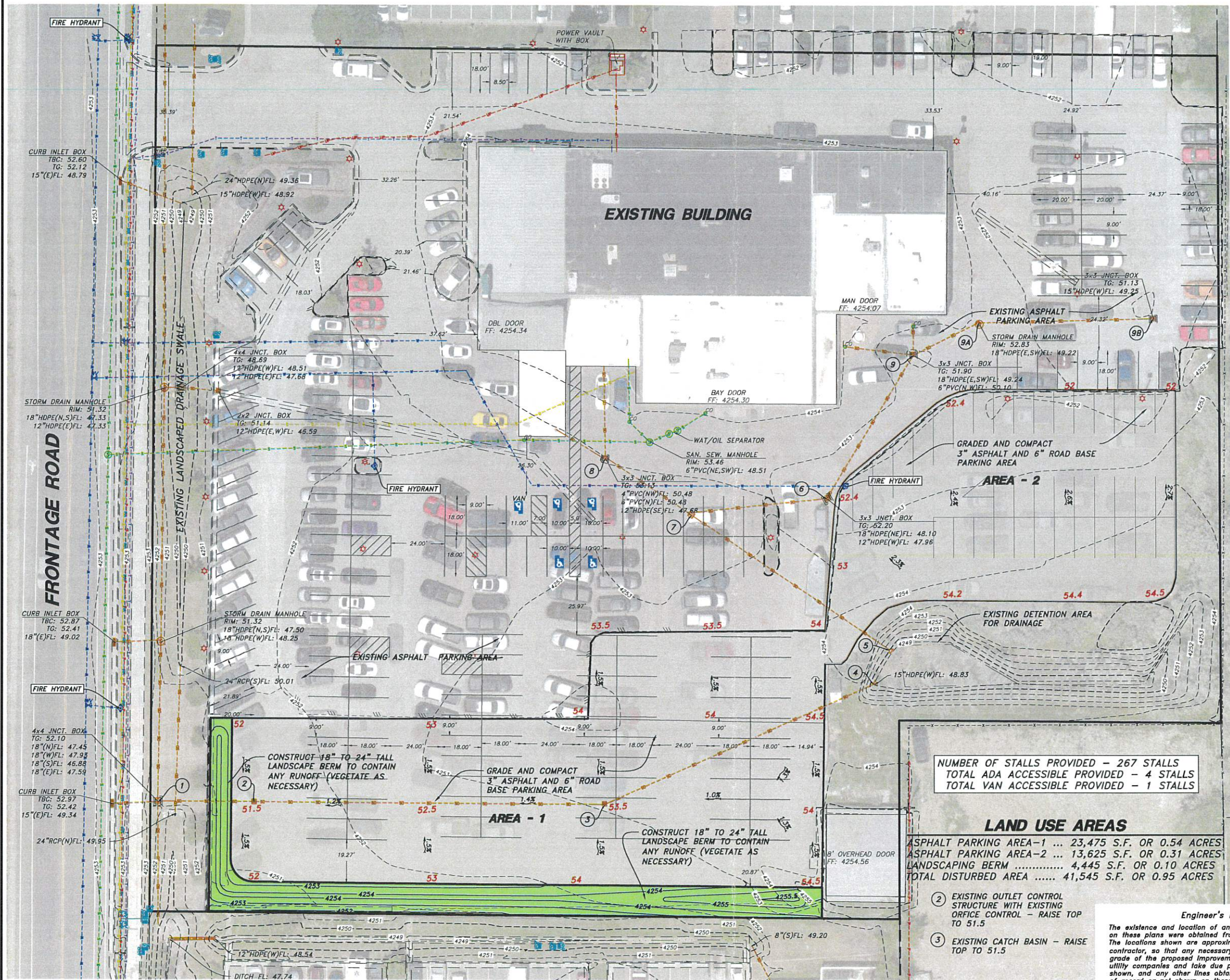
SUGGESTED REASONS FOR THE ACTION:

- a. *The Conceptual Site Plan has clearly depicted how the property could be developed [CZC 12.21.110(d)(2)].*
- b. *The Conceptual Site Plan is consistent with the goals of the General Plan [12-480-3(c)].*
- c. *With the listed Conceptual Site Plan Acceptance directives being adequately addressed and/or adjusted with the Final Site Plan, the proposed expansion would likely meet the site and use development standards of the CV-H Zone.*
- d. *A “vehicle sales” use is a conditional use in the C-VH Zone, as listed in CZC 12.36 - Table of Uses Allowed.”*

[PROPOSED ACTION OPTION #2] - *I hereby make a motion for the Planning Commission to **TABLE** the Conceptual Site Plan for the ACC Auto – Truck World expansion, located at 155 South Frontage Road, and direct the applicant to address the following:*

1. *The conceptual site plan submittal shall address the distinction between the parking lot area (to include all required parking stalls and meet drive isle measurements) and the area devoted to vehicle sales display.*
2. *The conceptual site plan shall include the stormwater design calculations and any needed proposed easements, which shall be deemed acceptable by the City Engineer. Additionally, the final site plan shall address the landscaping and maintenance matters for these areas, as mentioned in the staff report.*
3. *The conceptual site plan shall address the matters related to the accessory building located in the southeastern portion of the site, as identified in the staff report.*
4. *The conceptual site plan shall conceptually address, at minimum, the following:*
 - a. *Percentage of all on-site landscaping must be a minimum of 15%*
 - b. *Percentage of internal parking lot landscaping must be a minimum of 7%.*
 - c. *A listing of the types of vegetation to be planted, which must cover at least 75% of the required on-site landscaping.*
 - d. *Provide the required 30-foot buffer landscaping and architectural element along site boundaries that are adjacent to residential zones located along the easterly perimeter.*
 - e. *A listing of the total number and type of trees and shrubs to be used on site.*

SITE LANDSCAPING & GRADING PLAN



LEGEND:

- SUBDIVISION BOUNDARY
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING SECONDARY WATER LINE
- EXISTING STORM DRAIN PIPE
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PROPOSED SECONDARY WATER LINE
- PROPOSED STORM DRAIN PIPE
- SAW-CUT REQ'D.
- EXISTING FENCE
- EXISTING 5' CONTOUR
- EXISTING 1' CONTOUR
- EXISTING SEWER MANHOLE
- EXISTING STORM DRAIN MANHOLE
- EXISTING STORM DRAIN INLET
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE
- PROPOSED SEWER MANHOLE
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN INLET
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- EXISTING CURB & GUTTER
- EXISTING SIDEWALK
- PROPOSED CURB & GUTTER
- PROPOSED SIDEWALK
- PROPOSED ASPHALT PAVEMENT

NUMBER OF STALLS PROVIDED - 267 STALLS
TOTAL ADA ACCESSIBLE PROVIDED - 4 STALLS
TOTAL VAN ACCESSIBLE PROVIDED - 1 STALLS

LAND USE AREAS

ASPHALT PARKING AREA-1 ... 23,475 S.F. OR 0.54 ACRES
ASPHALT PARKING AREA-2 ... 13,625 S.F. OR 0.31 ACRES
LANDSCAPING BERM ... 4,445 S.F. OR 0.10 ACRES
TOTAL DISTURBED AREA ... 41,545 S.F. OR 0.95 ACRES

- EXISTING OUTLET CONTROL STRUCTURE WITH EXISTING ORifice CONTROL - RAISE TOP TO 51.5
- EXISTING CATCH BASIN - RAISE TOP TO 51.5

Engineer's Notice To Contractors

The existence and location of any underground utility pipes or structures shown on these plans were obtained from available information provided by others. The locations shown are approximate and shall be confirmed in the field by the contractor, so that any necessary adjustment can be made in alignment and/or grade of the proposed improvement. The contractor is required to contact the utility companies and take due precautionary measures to protect any utility lines shown, and any other lines obtained by the contractors research, and others not of record or not shown on these plans.

NOTICE!

EXISTING UTILITIES ARE SHOWN ON PLANS FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN INCORRECTLY.

Call BEFORE YOU Dig

1-800-682-4111

UNDERGROUND SERVICE

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.hansen.net
Brigham City, Utah 84302
(801) 999-4905 (435) 792-8272
Celebrating over 60 Years of Business



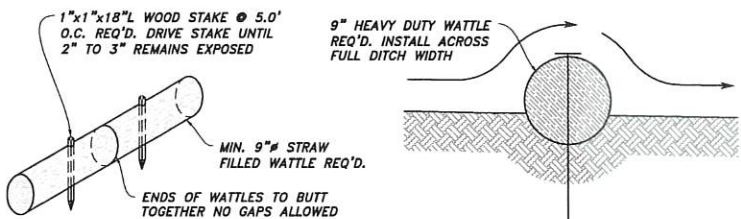
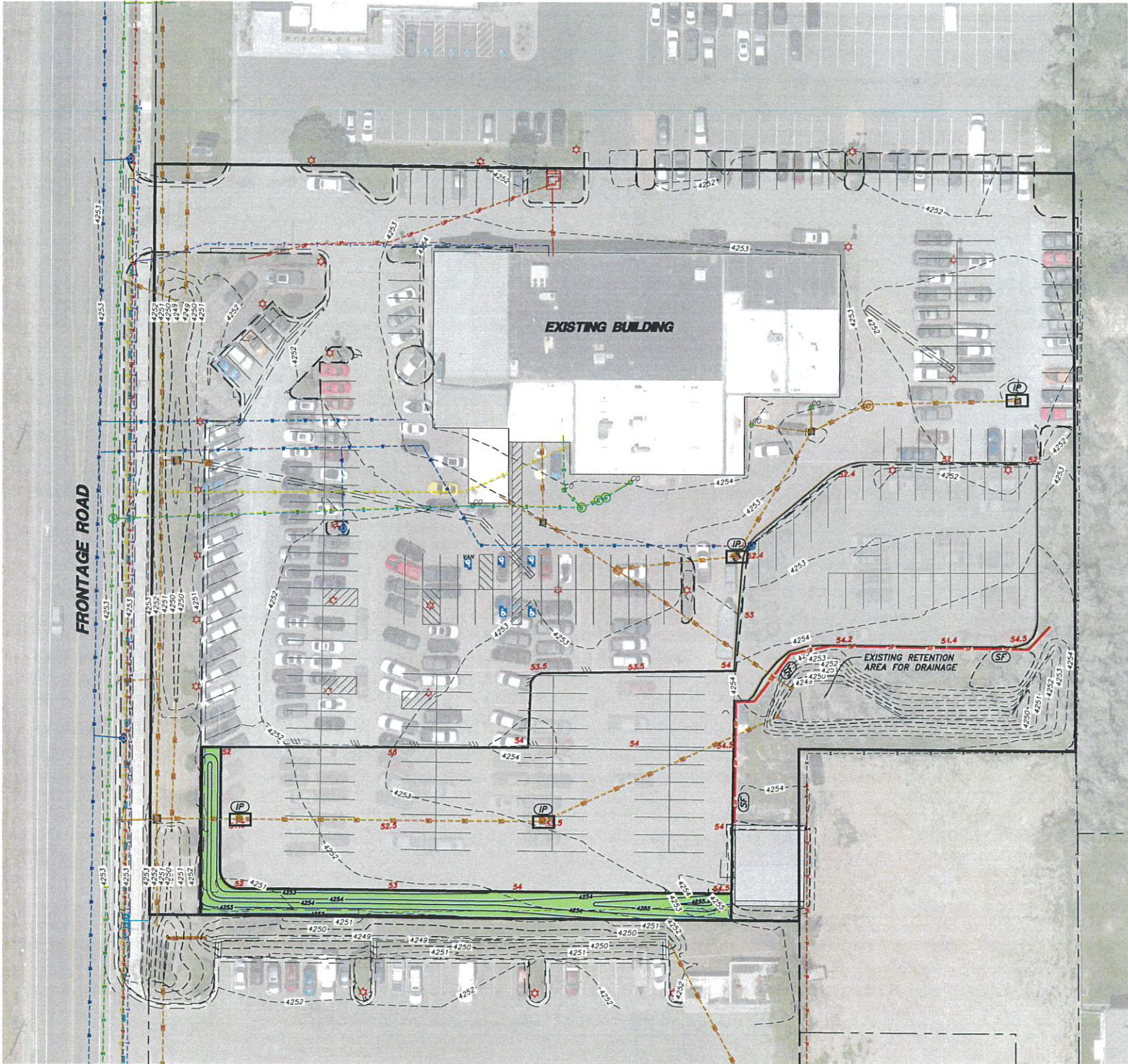
Drawn By: MBL Date: 07/21/21
Designed By: _____
Checked By: _____
Approved By: _____
Scale: 1" = 20'
Drawing File: 21-5-27 V19.DWG
JOB NUMBER: 21-5-27

SITE LANDSCAPING & GRADING PLAN FOR
**ACC AUTO SALES
TRUCK WORLD**
CENTERTVILLE, DAVIS COUNTY, UTAH

Sheet
1
of
2
Sheets

RECEIVED JUL 29 2021

SWPPP PLAN



TYPICAL WATTLE/FILTER SOCK
NOT TO SCALE

LOCATION:

LOCATION: CENTERVILLE, DAVIS COUNTY, UTAH
LATITUDE: 40°54'55" N LONGITUDE: 111°53'23" W
APPROXIMATE ELEVATION: 4254'

PROJECT DATA:

TAX ID #: 020260071
PARCEL ACREAGE: 3.94 ACRES
DISTURBANCE AREA: 0.95 ACRES

HADLEY PROPERTIES LLC
155 SOUTH FRONTAGE ROAD
CENTERVILLE, UTAH

OVERVIEW:

THE PROJECT CONSISTS OF FLATTENING OF EXISTING DIRT PILES, WITH MINOR GRADING OF AREA AS SHOWN, AND CONSTRUCTION OF A 12"-24" ENTRAPMENT BERM ALONG THE SOUTH AND WEST BOUNDARIES OF THE PROJECT. SAID BERM ENSURES NO WATER LEAVES THE SITE. SILT FENCE SHALL BE INSTALLED ALONG THE EAST BOUNDARY OF THE PROJECT AND INLET PROTECTIONS SHALL BE PROVIDED AT ALL INLETS NEAR PROJECT AREA AS SHOWN.

STABILIZED CONSTRUCTION ENTRANCE: THE EXISTING ASPHALT PARKING LOT ACTS AS A STABILIZED CONSTRUCTION ENTRANCE FOR THE SOUTHERLY PERTINENT AREA.

CONCRETE WASHOUT: NO CONCRETE WASHOUT IS NECESSARY AS PROJECT ENTAILS ONLY EARTHWORK.

MAINTENANCE/RECORD-KEEPING:

STRICT RECORD KEEPING IS IMPERATIVE. THE PROJECT WILL BE UNDER THE AUSPICES OF CENTERVILLE CITY. KEEP INSPECTION REPORTS FORMS/FORMAT AS MANDATED BY CITY. A THOROUGH INSPECTION OF THE SWPPP MUST BE CONDUCTED AT LEAST EVERY 14 DAYS AND AFTER ANY PRECIPITATION OR SNOWMELT THAT CAUSES SURFACE EROSION. MAINTENANCE AND/OR MODIFICATIONS TO EROSION MEASURES MUST BE COMPLETED IN A TIMELY MANNER, BUT IN NO CASE MORE THAN 7 CALENDAR DAYS AFTER THE INSPECTION. THE ENFORCEMENT AGENCY IS CENTERVILLE CITY, WHO ADMINISTERS AND ENFORCES STORMWATER POLLUTION PREVENTION PLANS LOCALLY. STORMWATER MANAGEMENT ASPECTS AND PROCEDURES MAY BE MODIFIED BY PERMITTEE (AND/OR OFFICIAL REPRESENTATIVE) UPON OBTAINING CENTERVILLE CITY APPROVAL.

SWPPP PHASING - ORDER OF WORK:

PHASE 1: CONSTRUCTION OF SILT FENCES & BERMS, AND INLET PROTECTIONS.

PHASE 2: MAINTAIN SILT FENCES & BERMS AND INLET PROTECTIONS DURING CONSTRUCTION AND SITE IMPROVEMENTS.

PHASE 3: SOUTHERLY BERM & SILT FENCE/BERMS TO REMAIN IN PLACE INDEFINITELY UNTIL FURTHER PLAN IS ADVANCED. INLET PROTECTIONS MAY BE REMOVED UPON COMPLETION OF EARTHWORK ACTIVITIES.



SCALE: 1" = 30'
Scale in Feet

LABELS

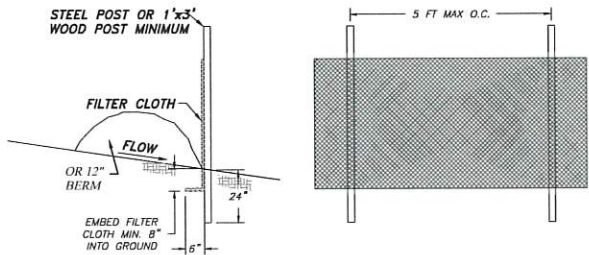
- (SF) - SILT FENCE OR BERM
- (IP) - INLET PROTECTION

QUANTITIES

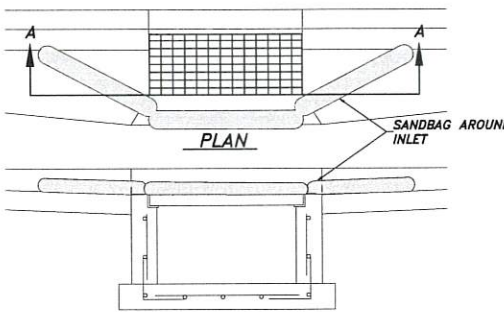
SILT FENCE/BERM - 242 LF
INLET PROTECTION - 4

LEGEND

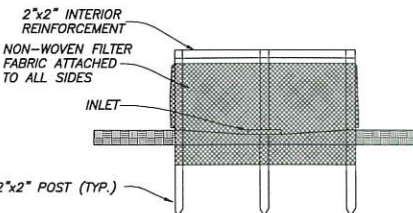
- PROPERTY BOUNDARY LINE
- SILT FENCE OR BERM REQ'D
- INLET PROTECTION



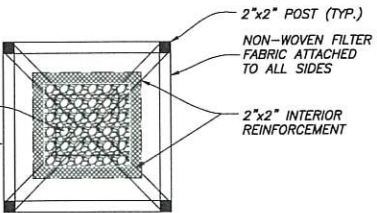
SILT FENCE DETAIL
NOT TO SCALE



SECTION A
CURB INLET PROTECTION DETAIL
NOT TO SCALE



SIDE VIEW - GRASS AREA



PLAN - GRASS AREAS

NOTE: NON-WOVEN FILTER FABRIC ATTACHED TO ALL SIDES OF BOX. SILT BOXES TO BE LOCATED AT EACH CATCH BASIN. DIMENSIONS OF BOX WILL VARY ACCORDING TO THE SIZE OF INLET AND DEPTH OF BASE.

INLET PROTECTION DETAIL
NOT TO SCALE

RECEIVED JUL 29 2021

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.hansen-inc.com
Brigham City, Utah 84302
(435) 862-8772
Celebrating over 60 Years of Business



Drawn By: MBL Date: 07/21/21
Designed By: _____
Checked By: _____
Approved By: _____
Scale: 1" = 20'
Drawing File: 21-5-27 V19.DWG
JOB NUMBER: 21-5-27

STORM WATER POLLUTION PREVENTION PLAN FOR
**ACC AUTO SALES
TRUCK WORLD**
CENTERVILLE, DAVIS COUNTY, UTAH

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
9/8/2021**

Item No. 2.

Short Title: Land Use Training - Municipal Land Use, Development, and Management Act - Part 7 - Appeal Authority and Variances

Initiated By: Lisa Romney, City Attorney

Staff Representative: Lisa Romney, City Attorney

SUBJECT

Land use training and discussion regarding Part 7 (Appeal Authority and Variances) of the Municipal Land Use, Development, and Management Act

RECOMMENDATION

BACKGROUND

The Planning Commission has agreed to read the Municipal Land Use, Development, and Management Act (LUDMA) as a 2021 training goal. This month's training includes reading and discussing Part 7 (Appeal Authority and Variances).

ATTACHMENTS:

Description

- ▢ LUDMA - Part 7 - Appeal Authority and Variances

Part 7

Appeal Authority and Variances

10-9a-701 Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

- (1)
 - (a) Each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.
 - (b) An appeal authority described in Subsection (1)(a) shall hear and decide:
 - (i) requests for variances from the terms of land use ordinances;
 - (ii) appeals from land use decisions applying land use ordinances; and
 - (iii) appeals from a fee charged in accordance with Section 10-9a-510.
 - (c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the enactment of a land use regulation.
- (2) As a condition precedent to judicial review, each adversely affected party shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.
- (3) An appeal authority described in Subsection (1)(a):
 - (a) shall:
 - (i) act in a quasi-judicial manner; and
 - (ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
 - (b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.
- (4) By ordinance, a municipality may:
 - (a) designate a separate appeal authority to hear requests for variances than the appeal authority the municipality designates to hear appeals;
 - (b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;
 - (c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court;
 - (d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and
 - (e) provide that specified types of land use decisions may be appealed directly to the district court.
- (5) If the municipality establishes or, prior to the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:
 - (a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;
 - (b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;
 - (c) convene only if a quorum of the members of the board, body, or panel is present; and
 - (d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Amended by Chapter 385, 2021 General Session

10-9a-702 Variances.

- (1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
- (2)
 - (a) The appeal authority may grant a variance only if:
 - (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (v) the spirit of the land use ordinance is observed and substantial justice done.
 - (b)
 - (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
 - (A) is located on or associated with the property for which the variance is sought; and
 - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
 - (i) relate to the hardship complained of; and
 - (ii) deprive the property of privileges granted to other properties in the same zone.
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (4) Variances run with the land.
- (5) The appeal authority may not grant a use variance.
- (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - (a) mitigate any harmful affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-703 Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions -- Automatic appeal for certain decisions.

- (1) The land use applicant, a board or officer of the municipality, or an adversely affected party may, within the applicable time period, appeal that decision to the appeal authority by alleging

that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.

- (2)
- (a) A land use applicant who has appealed a decision of the land use authority administering or interpreting the municipality's geologic hazard ordinance may request the municipality to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
 - (b) If a land use applicant makes a request under Subsection (2)(a), the municipality shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the applicant and municipality:
 - (i) one expert designated by the municipality;
 - (ii) one expert designated by the land use applicant; and
 - (iii) one expert chosen jointly by the municipality's designated expert and the land use applicant's designated expert.
 - (c) A member of the panel assembled by the municipality under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.
 - (d) The land use applicant shall pay:
 - (i) 1/2 of the cost of the panel; and
 - (ii) the municipality's published appeal fee.

Amended by Chapter 434, 2020 General Session

10-9a-704 Time to appeal.

- (1) The municipality shall enact an ordinance establishing a reasonable time of not less than 10 days to appeal to an appeal authority a written decision issued by a land use authority.
- (2) In the absence of an ordinance establishing a reasonable time to appeal, a land use applicant or adversely affected party shall have 10 calendar days to appeal to an appeal authority a written decision issued by a land use authority.
- (3) Notwithstanding Subsections (1) and (2), for an appeal from a decision of a historic preservation authority regarding a land use application, the land use applicant may appeal the decision within 30 days after the day on which the historic preservation authority issues a written decision.

Amended by Chapter 434, 2020 General Session

10-9a-705 Burden of proof.

The appellant has the burden of proving that the land use authority erred.

Enacted by Chapter 254, 2005 General Session

10-9a-706 Due process.

- (1) Each appeal authority shall conduct each appeal and variance request as provided in local ordinance.
- (2) Each appeal authority shall respect the due process rights of each of the participants.

Enacted by Chapter 254, 2005 General Session

10-9a-707 Scope of review of factual matters on appeal -- Appeal authority requirements.

- (1) A municipality may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.
- (2) If the municipality fails to designate a scope of review of factual matters, the appeal authority shall review the matter de novo, without deference to the land use authority's determination of factual matters.
- (3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.
- (4) The appeal authority shall:
 - (a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and
 - (b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
- (5)
 - (a) An appeal authority's land use decision is a quasi-judicial act.
 - (b) A legislative body may act as an appeal authority unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority.
- (6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Amended by Chapter 384, 2019 General Session

10-9a-708 Final decision.

- (1) A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by ordinance.
- (2) A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection 10-9a-801(2)(a) or a final action under Subsection 10-9a-801(4).

Amended by Chapter 126, 2020 General Session

CENTERVILLE

Staff Backup Report 9/8/2021

Item No.

Short Title: July 28, 2021

Initiated By:

Staff Representative:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ July 28, 2021 Planning Commission Draft Minutes

1 **PLANNING COMMISSION MINUTES OF MEETING**
2 **Wednesday, July 28, 2021**
3 **7:00 p.m.**
4

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

8 **MEMBERS PRESENT**

9 Kevin Daly, Chair
10 Cheylynn Hayman
11 Heidi Shegrud
12 Spencer Summerhays
13 Christina Wilcox
14

15 **MEMBER ABSENT**

16 Mason Kjar
17 Becki Wright
18

19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director
21 Lisa Romney, City Attorney
22 Mackenzie Wood, Assistant Planner
23

24 **PLEDGE OF ALLEGIANCE**

25 **OPENING COMMENTS/LEGISLATIVE PRAYER** Chair Daly
26

27
28 **PUBLIC HEARING – ZONE TEXT AMENDMENT – INTERNAL ACCESSORY**
29 **DWELLING UNITS**
30

31 Community Development Director Cory Snyder explained that as a result of Senate Bill
32 82 of the 2021 Legislative Session, cities were required to implement allowance of interior
33 accessory dwelling units (ADUs) as permitted uses, with the ability to regulate some conditions
34 or terms. Mr. Snyder spoke of difficulties associated with the short-term rental of ADUs, and
35 explained the State statute defined internal ADUs as having a rental period of 30 days or longer.
36

37 Mr. Snyder presented a proposed Zone Text Amendment. The Planning Commission
38 and Staff discussed the requirement for a property to be owner-occupied and what ownership
39 percentage should be included in the document. Staff recommended requiring occupancy by an
40 individual having 25% or greater ownership interest in a property. Commissioner Summerhays
41 suggested allowing an owner absence for a period of up to three years and a few days.
42 Commissioner Summerhays said he agreed with Staff that impact fees should not be charged
43 for an ADU.
44

45 Commissioner Wilcox asked if existing ADUs in Centerville would need to apply for
46 permits. Mr. Snyder responded that ADUs had never been legal in Centerville, and any property
47 owner desiring to operate an ADU would need to apply for a permit. He emphasized the
48 proposed Zone Text Amendment only addressed internal ADUs. The Commissioners and Mr.
49 Snyder discussed that code enforcement in Centerville was done on a complaint basis.
50

51 Chair Daly said in his professional experience, 20% ownership was frequently used to
52 qualify as an “interested party”. He said he would be open to considering a lower percentage.
53 Commissioner Hayman said she would be comfortable with 25% or 20% ownership, but would
54 be uncomfortable with less than 20%. Commissioner Wilcox said she was comfortable with 25%
55 or 20%. Commissioner Shegrud spoke of situations where children may inherit a home with an

ADU from parents, and said the proposed ownership percentage felt discriminatory against large families. Commissioner Hayman responded that an ADU situation with shared ownership between many siblings was unlikely to happen often. Commissioner Hayman said she was inclined to introduce a fairly conservative ordinance. City Attorney Lisa Romney expressed a preference to have an ownership percentage attached to the owner-occupied requirement.

Responding to a question from Commissioner Shegrud, Mr. Snyder explained it was the burden of the property owner to remember when permit renewal needed to occur; however, customer service-wise, the City did provide help when time and work-load permitted.

Commissioner Hayman suggested adding the word “temporary” to language regarding cause for owner absence, and suggested increasing the allowed period of owner absence to four years. She suggested expanding illness as an allowed cause for owner absence to include individuals who were not family members. Responding to a question from Commissioner Shegrud, Mr. Snyder said the City did not have a good landlord program, and briefly explained good landlord programs.

Ms. Romney said, in her opinion, the way the proposed Zone Text Amendment was drafted, an owner could rent out the primary residence during an approved owner absence. Commissioner Summerhays said he was comfortable with the rental possibility given the evidentiary requirements. The Planning Commission discussed how long to set the allowed owner absence, with a majority agreeing on three years and one month. Commissioners suggested minor grammatical changes to the proposed document.

Chair Daly **moved** to recommend approval of the proposed Zoning Text Amendment for Internal Accessory Dwelling Units, with the following changes and reasons for action. Commissioner Hayman seconded the motion.

- Page 5, 12.60.090(a)(1), change 25% to 20%;
- Page 6, 12.60.090(c)(4), change 50% to 20%;
- Page 7, 12.60.090(e), add “of temporary absence” after “showing good cause” in first paragraph, and change “three years” to “three years and one month” in last paragraph;
 - 12.60.090(e)(1), remove “temporary”
 - 12.60.090(e)(3), replace with “Medical or care of others”
- Additional minor changes as discussed.

Reasons for Action:

1. The Planning Commission finds the amendment complies with State law.
2. The Planning Commission finds the amendment implements moderate income housing requirements.

Commissioner Summerhays **moved** to change the owner interest percentage to 12.5%. The motion failed for lack of second. The original motion passed by unanimous vote (5-0).

PUBLIC HEARING – ZONE TEXT AMENDMENT – FENCES ND WALLS

Mr. Snyder explained the City Council recently directed the Planning Commission and Staff to review and recommend potential changes for fencing height limitations, specifically for situations involving corner lots, along side street frontage. He explained that front yards were currently allowed a four-foot privacy fence for visual uniformity along the street, and side yards were allowed a six-foot privacy fence, and pointed out that a side yard on a corner lot was part

of the visual frontage of the rest of the side street. Mr. Snyder presented the following proposed addition to City Code:

(2) **Street Side Yard, Corner Lots** – For residential zones, fencing up to 6 feet in height may be allowed within the street side yard portion of a corner lot, as measured from an interior lot line of the lot to a line intersecting at the Front Yard Setback line of the lot along the other street. Exception, fences shall not exceed 4 feet in height for a minimum distance of at least 12 feet, when a driveway on an adjacent lot is located within 12 feet of the interior lot line of the corner lot.

Mr. Snyder commented the proposed amendment did not address accessory building setbacks, and spoke of potential tensions. Commissioner Summerhays said he believed the City needed to address accessory buildings going forward. The Planning Commission and Staff discussed accessory building setbacks.

Chair Daly opened a public hearing at 8:38 p.m., and closed the public hearing seeing that no one wished to comment. Chair Daly and Commissioner Hayman suggested minor grammatical changes.

Commissioner Hayman **moved** to recommend approval of the proposed Zoning Ordinance Text Amendments regarding “fencing and walls” depicted in red text in the Staff Report, with an illustrative figure as set forth in the Staff Report, with the grammatical corrections discussed, for reasons (a) – (b). Commissioner Summerhays seconded the motion, which passed by majority vote (4-1), with Commissioner Hayman dissenting.

Reasons for Action:

- a. The Planning Commission finds that the proposed text amendments are consistent with and even further the objectives and policies of the City’s General Plan.
- b. Therefore, the Planning Commission finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City’s Zoning Ordinance.

LAND USE TRAINING – MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT ACT – PART 6 – SUBDIVISIONS

City Attorney Lisa Romney provided training on the Municipal Land Use, Development, and Management Act regarding subdivisions, and answered questions from the Planning Commission.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

With no items scheduled for the August 11, 2021 Planning Commission agenda, the Planning Commission agreed to cancel the August 11 meeting. The Planning Commission was scheduled to meet next on August 25, 2021.

MINUTES REVIEW AND ACCEPTANCE

Minutes of the July 14, 2021 Planning Commission meeting were reviewed and amendments requested. Commissioner Hayman **moved** to approve the minutes as amended. Commissioner Wilcox seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 9:04 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Hayman seconded the motion, which passed by unanimous vote (5-0).

Jennifer Hansen, City Recorder

Date Approved

Katie Rust, Recording Secretary

DRAFT