

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, June 23, 2021**

3 **7:00 p.m.**

4
5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting
6 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 Mason Kjar
12 Spencer Summerhays
13 Christina Wilcox
14 Becki Wright

15
16 **MEMBERS ABSENT**

17 Heidi Shegrud

18
19 **STAFF PRESENT**

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

24
25 **VISITORS**

26 Bradley Trump
27 Mitch Vance

28
29 **PLEDGE OF ALLEGIANCE**

30
31 **OPENING COMMENTS/LEGISLATIVE PRAYER** Commissioner Hayman

32
33 **ADMINISTRATIVE DECISION – PUBLIC HEARING – SMALL SUBDIVISION**
34 **SMALL SUBDIVISION WAIVER/LOT SPLIT APPLICATION REVIEW FOR**
35 **PROPERTY LOCATED AT 470 EAST 400 SOUTH, PREVIOUSLY REVIEWED IN**
36 **MARCH 2020.**

37
38 Mackenzie Wood, Assistant Planner, explained the Planning Commission approved a small
39 subdivision waiver for this property on March 11, 2020. It involves two lots and when a lot is
40 split, it can waive other subdivision requirements. The majority of the requirements have been met,
41 but there are requirements that need to be met before it can be recorded at the County. There are
42 three garages that were previously used for business purposes.

43
44 Requirements are:

- 45 1. Include 2,000 square foot buildable area on each lot.
46 2. Include two 7-foot easements on interior property lines.

3. Drainage issues must be addressed

4. Purpose of accessory buildings.

Bradley Trump, applicant, is the owner of Lot 2 and the lot was parceled separately from his grandmother's property in 1979. The accessory building is a three-bay shop, with a large rear shop where heavy construction equipment was stored. The plan is to use the three bays as the garage for the home which will not be attached to the home. The home, as planned, is 36 feet wide by 50 feet deep, and would fit on the grass area. The rear of the home will match the placement of other homes in the area. The home will be 30 feet away from the shop area. Mr. Trump said there will be plenty of room for easements with seven feet on both sides.

At 7:14 p.m., Chair Daly opened the public hearing for comments, and closed the public hearing seeing that no one wished to comment.

Cory Snyder, Community Development Director, explained accessory building setbacks and height and size restrictions to address a question from the Commission. Lisa Romney, City Attorney, said the Ordinance states the Planning Commission cannot create an illegality with the approval of a subdivision, and a residential lot cannot have two accessory garages without a primary residential use. In order to be compliant with City Ordinances, the buildings will have to be torn down before the plat can be recorded, or the property owners can enter into an agreement with the City to tear down the buildings within a reasonable amount of time or post a bond as approved by the City.

After discussion, the Commission agreed to delay approval of the subdivision waiver until more information is available.

Commissioner Hayman **moved** to table the small subdivision waiver/lot split for the property located at 470 East 400 South. Commissioner Kjar seconded the motion, which was passed by unanimous roll-call vote (6-0).

LEGISLATIVE DECISION – PUBLIC HEARING – JF CAPITAL – PDO/CONCEPTUAL SITE PLAN ZONE MAP AMENDMENT FOR LOTS 2 AND 3. THE PROPOSAL IS TO AMEND/CLARIFY THE ORIGINAL LEGACY CROSSING PDO APPROVAL AND DEVELOPMENT (I.E. SOUTH OF THE MEGAPLEX THEATER) WITH REGARDS TO ALLOWING ADDITIONAL USES FOR THESE LOTS, ALONG WITH CHANGES TO THE SITE'S DEVELOPMENT LAYOUT PATTERN.

Cory Snyder, Community Development Director, displayed the landscape plan for Lots 2 and 3 of the Legacy Crossing PDO. The City Council has approved this plan with development agreements that reflect contractual agreements. The applicant now says the office building is not viable for the property, and now wants to remove the office building with no amendments to the materials.

1 The general uses will not change, but they want to add recreational vehicle sales and market some
2 of the space for recreational vehicles in an enclosed building. There will be specialty vehicles
3 displayed that will take ten parking spaces, and they would also like to do a drive thru building
4 with one of the tenant buildings. The original plan would have borrowed excess stalls, but now the
5 applicant will provide extra stalls and cross parking. Staff recommends approval of the
6 amendment.

7
8 Mitch Vance, JF Capital, 1216 Legacy Crossing Boulevard, Suite16, said there was
9 originally going to be four buildings, but COVID changed their plans, and it is now proposed to
10 have three buildings. This proposal will provide ten parking stalls, and the vehicle sales will be
11 very limited. The drive-thru is between buildings two and three on the northwest side, and is a
12 nonchain restaurant. The Commission discussed stacked parking. Mr. Vance displayed a map
13 showing where the stacking will take place for the proposed restaurant, which is on private
14 property and does not go onto a road. Commissioner Wright asked about the storm drain water
15 system. Mr. Vance said there will be two different underground storm systems.

16
17 At 7:55 p.m., Chair Daly opened the public hearing for comments, and seeing there was no
18 one wishing to comment, the public hearing was closed.

19
20 Lisa Romney, City Attorney, explained the PDO is a legislative zoning decision. This
21 project was approved as a PDO, and if the applicant wants to change the PDO, the City Council,
22 with recommendation from the Planning Commission must give approval. The applicant will also
23 have to submit a final site plan, subdivision plat amendment, and amendments to the Development
24 Agreement.

25
26 Commissioner Hayman **moved** for the Planning Commission to recommend approval of
27 Lots 2 and 3 at Legacy Crossing in the Parrish Lane Development subject to the findings and
28 conditions listed in the staff report. Commissioner Summerhays seconded the motion, which was
29 passed by a vote of (5-1). Commissioner Kjar was the dissenting vote.

30
31 **ACCESSORY DWELLING UNITS – DRAFT ORDINANCE PROVISION**
32 **DISCUSSION - SENATE BILL 82 OF THE 2021 LEGISLATIVE SESSION REQUIRES**
33 **CITIES TO IMPLEMENT THE ALLOWANACE OF “INTERIOR ACCESSORY**
34 **DWELLING UNITS” AS PERMITTED USES WITHIN A MUNICIPALITY. HOWEVER,**
35 **THERE ARE SOME CONDITIONS OR TERMS THAT CITIES ARE ALLOWED TO**
36 **REGULATE.**

37
38 Cory Snyder, Community Development Director, said the intention of this discussion is to
39 discuss concerns and ideas to include in the Accessory Dwelling Units (ADU) draft, and then make
40 a text amendment for the public hearing. The State Legislature is requiring all municipalities and
41 counties to address Accessory Dwelling Units. This is only internal ADU’s inside the main family
42 home, not units separate from the main home.

There are many terms that can be confusing in the Ordinance. Lisa Romney, City Attorney, suggested adding definitions for some of these terms. The State defined the difference between accessory buildings and short-term rentals, and the State has defined this as 30 days. Centerville also needs to change their definition of an ADU.

Chair Daly asked how owner occupancy is defined, as the staff report states an owner is defined as having 50 percent ownership or greater in the property. Mr. Snyder replied he looked at ordinances from other communities to derive this figure. The Commission discussed possible changes or clarifications to the definition of owner occupancy, including language to address ownership by an entity or a trust. The parking does say at least one additional parking space must be provided for the additional ADU. Mr. Snyder explained the tandem parking requirement.

Staff will research owner occupancy qualifications and revisit this Ordinance and notice it for a public hearing, and then present it to the Planning Commission and City Council for approval. The applicable statute becomes effective October 1, 2021.

LAND USE TRAINING – MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT ACT – PART 5 – LAND USE REGULATIONS

This is a self-study item. Lisa Romney, City Attorney, prepared information for the Planning Commission to study on their own.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

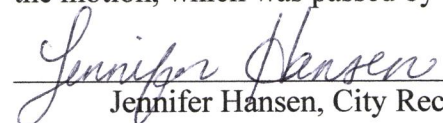
The Planning Commission is scheduled to meet next on July 14, 2021. Mr. Snyder explained upcoming agenda items and scheduled the joint work session with the City Council. The other item is the Lane project, which is behind Dave's Auto, and is owned by Dave Bell. The City Council approved the Bylaws.

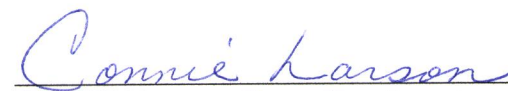
MINUTES REVIEW AND ACCEPTANCE

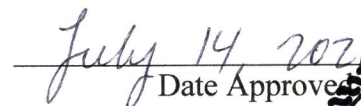
Minutes of the June 9, 2021 meeting were reviewed. Commissioner Wright **moved** to accept the minutes as written. Commissioner Summerhays seconded the motion, which was passed by unanimous vote (6-0).

ADJOURNMENT

At 8:54 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Hayman seconded the motion, which was passed by unanimous vote (6-0).


Jennifer Hansen, City Recorder


Connie Larson, Recording Secretary


Date Approved

