PLANNING COMMISSION MINUTES OF MEETING
Wednesday, July 8, 2020
7:00 p.m.

A quorum being present electronically via Zoom and live streamed on the Centerville City YouTube channel due to Infectious Disease COVID-19, the meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT
Cheylynn Hayman, Chair
Mason Kjar
Spencer Summerhays
Christina Wilcox
Becki Wright

MEMBER ABSENT
Kevin Daly

STAFF PRESENT
Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner
Leah Romero, City Recorder

VISITORS
Russell Wilson, Symphony Homes
Bruce Robinson, Symphony Homes
Dave Bell, Dave's Complete Auto

PLEDGE OF ALLEGIANCE

PUBLIC HEARING – ZONING MAP AMENDMENT – SUMMERHILL LANE DEVELOPMENT

Mackenzie Wood, Assistant Planner, explained the requested Zoning Map Amendment for Summerhill Lane Development at approximately 2125 North Main Street. The applicant applied for a Residential-Low (R-L) Planned Development Overlay (PDO) Zone for the parcels previously tabled for a rezone from Agricultural-Low (A-L) to R-L. The PDO requires a Conceptual Site Plan to be approved in conjunction with the rezone.

Ms. Wood commented that a subsurface drain was not provided in the application. She explained that lots adjacent to R-L lots outside of the development would be required to match the zoning setbacks of the adjacent lots. She pointed out that a portion of the planned detention basin along Frontage Road would likely be taken by UDOT for construction of the West Davis Corridor, and said the development would still be required to provide detention. Common area is not required with a PDO, and was not included in the Conceptual Site Plan. The applicant did not request a density bonus.

Russell Wilson with Symphony Homes explained the plan for different product-types within the development. He explained the request to approve the 1,330-foot block length

between 400 West and Main Street, and said Symphony Homes would be willing to work with the school district to provide a walkway connection to school property at mid-block. He said the detention basin would be owned and maintained by the HOA, and stated Symphony Homes had discussed the planned West Davis Corridor with UDOT. Responding to a question from Commissioner Kjar, Mr. Wilson said he did not believe it would make sense to create a stub road to the north that would break up the long block, but said Symphony Homes would be willing to discuss the possibility of including a pedestrian trail.

Chair Hayman opened a public hearing at 7:21 p.m.

Abraham Millet – Mr. Millet said he lived adjacent to the subject property on the northwest corner. He said the current access from his property directly onto Frontage Road could be dangerous, and said he would like a secondary access to his property, potentially from the proposed development. He said he had agricultural animals on his property, and suggested some type of barrier between his agricultural land and the R-L.

Dave Newton – Mr. Newton asked what would happen with the HOA if UDOT did eventually assume the detention basin area, and asked if the larger lots (.5 acre and larger) would have animal rights.

Abraham Millet – Mr. Millet asked if there would be future opportunity for public comment.

Chair Hayman closed the public hearing at 7:27 p.m. Ms. Wood explained that the matter would go next to the City Council, with a public hearing at the Council level. She stated that with a base zone of R-L in the PDO, no agricultural animal rights would be included. Cory Snyder, Community Development Director, emphasized that the Council and members of the public had expressed considerable concern regarding drainage on the property. He explained that, in his opinion, if the drainage at buildout was sufficient for the development, UDOT would be responsible for providing sufficient drainage upon UDOT acquisition of the property. Responding to Mr. Millet's question, Mr. Snyder said there was no requirement for a fence barrier between zoning types, and commented that the area did not allow open grazing. He said owners of agricultural animals were required to secure their animals on their own lots.

Mr. Wilson said Symphony Homes planned to install boundary fencing, and said he would be willing to work with Mr. Millet to provide barrier fencing that would be adequate for the animals on Mr. Millet's property. Chair Hayman referred to concerns submitted to the Commission by email regarding potential blocked access to a neighboring property. Mr. Wilson said Symphony Homes had been working with the owner of property neighboring to the north. Lisa Romney, City Attorney, confirmed there did not appear to be a recorded easement for the neighboring property to the north, and suggested the easement question was a private matter between property owners.

Responding to questions from the Commission, Mr. Snyder spoke of the established pattern of long block lengths in the area, and spoke of remaining undeveloped land to the north of the subject property. He explained that the sound barrier wall between the freeway and Frontage Road was a UDOT barrier, and said UDOT would reevaluate placement of sound barriers with the upcoming West Davis Corridor Project. Staff explained landscaping expectations, and land drain systems.

Mr. Snyder stated that the Woods Park Development and the Sheffield Downs Development were built with the same five-foot side setback proposed for the Summerhill Lane Development. Mr. Snyder commented that maintenance of walking paths could become

problematic. Commissioner Kjar asked about maintenance responsibility of proposed park strip neighboring the elementary school not assigned to a specific house lot.

Bruce Robinson with Symphony Homes said it was his understanding that property owners to the north of the subject property had an agreement to ensure access to the property immediately neighboring the subject property to the north. He said they had indicated willingness to put the agreement in writing. Mr. Robinson stated every building in the Summerhill Lane Development would have adequate surface drainage.

Commissioner Kjar expressed concern with the prescriptive easement issue, pointing out that Google Maps dated 1997 showed a dirt road access. He said he did not believe the issue had been resolved enough to advance the application, and said he would prefer some type of resolution in writing. He agreed with Ms. Romney that the prescriptive easement question was a private matter, but suggested there could potentially be related issues for the City in the future, and said he would prefer it be resolved now. The Commission discussed possible walkway connections to the north and to the school property on the south.

Commissioner Wright **moved** to table the application for Zoning Map Amendment and Planned Development Overlay for Symphony Homes at 2125 North Main Street with the following directives to the applicant. Commissioner Kjar seconded the motion, which passed by unanimous vote (5-0).

Directives:

1. Provide site plan with tract perimeter setbacks as mentioned in the Staff Report.
2. Address maintenance responsibility of drainage detention common area and any expectations of the City Engineer.
3. Address the matters related to the depiction of Parcel A.
4. Provide overall landscaping design scheme of the development meeting Weber Basin's expectations.
5. Provide street lengths and suggestions regarding mid-block dedicated public walkway.
6. Address concerns about prescriptive easement to the Packer property, for example, a documented method of access outside the subdivision, a proposed access point within the subdivision, or reasonably reliable evidence indicating the prescriptive easement is moot.
7. Address areas that might not be maintained by adjacent owners, such as the park strip below lots 25-29.

PUBLIC HEARING – ZONING MAP AMENDMENT – DAVE'S COMPLETE AUTO

Mr. Snyder explained that the petitioner desired to assimilate a portion of the subject property and add it to the west commercial property, known as Dave's Auto, with the purpose to expand the business use and add parking and another building/shop. Currently, the desired tract of land was zoned Residential Medium (R-M), and the business use was zoned Commercial Very High (C-VH). The petitioner desired to have a portion of the residential property rezoned to C-VH. Mr. Snyder showed a sketch provided by the petitioner that demonstrated townhome development would be possible with the remaining R-M land. He explained that the subject property was included in the General Plan as a transition area between residential and commercial. Staff recommended allowing the rezone of a portion of the R-M to C-VH.

Responding to a question from Commissioner Wright, Mr. Snyder provided history of zoning changes and lot-line adjustments in the subject area. He said he believed it would be possible for the remaining residential property to be developed in compliance with fire access requirements.

David Bell, petitioner, stated the proposed addition to the commercial property would meet the needs of his commercial business, and would provide beautiful landscaping on the outside of the boundary wall for residents in the area to enjoy.

Chair Hayman opened a public hearing at 9:21 p.m.

Steven Jay – Mr. Jay said he lived on the agricultural land adjacent to the subject property. He said he appreciated Mr. Bell's work to improve the area. He asked if the proposed wall around the property would be similar to the existing wall, and asked if the portion of the subject property directly east of his property would remain fallow for long.

David Doty – Mr. Doty said he had lived in the Porter Walton Townhomes Development for one month. He expressed appreciation to the Planning Commission. He said he lived directly east of the area proposed for rezone to C-VH, and stated that the existing zoning of the subject property was a factor in his moving decision. Mr. Doty expressed concern that more of the subject property would be proposed for rezone to commercial in the future. He said he moved to Centerville from Sandy, where most auto-related business was located in a specific area away from residential.

Chair Hayman closed the public hearing, and reopened the public hearing seeing that more members of the public wished to comment.

Janiel Green – Ms. Green said she lived in the Porter Walton Development. She expressed concern that the proposed rezone would decrease the value of her home, and suggested more of a buffer between the R-M and the C-VH.

Chair Hayman closed the public hearing, and reopened the public hearing seeing that more members of the public wished to comment.

Bill Jeppson – Mr. Jeppson said he lived in the Porter Walton Development. He said he shared the property value concern expressed. He asked who would be responsible for maintaining the landscaping in the possible future townhome development, and asked about the size of the long drive to the possible future townhomes. Mr. Jeppson said he wondered why Mr. Bell did not use his other residential property fronting Porter Lane for his business expansion, instead of the proposed portion of property.

Chair Hayman closed the public hearing at 9:36 p.m.

Mr. Bell explained that with a previous application a landscaping buffer on the east portion of the C-VH property would have been required on the west side (inside) of the boundary wall. He said he believed landscaping on the outside of the wall would be more beneficial to area residents. He said the new fence/wall would be the same type of wall currently on the C-VH property.

Commissioner Summerhays said he was torn on the issue, and said he preferred symmetry in zoning. Commissioner Kjar said he felt the proposal was a fair solution, and pointed out that there was no site plan for the possible future townhome development. He said he was comfortable approving the requested rezone, and said he believed concerns raised

about buffering could be addressed at a later time with possible development of the R-M property.

Commissioner Wright said she felt rezoning the property from Agricultural to R-M in the past was consistent with the General Plan, but said she was not sure the request to move the C-VH further east was consistent with the General Plan.

Chair Hayman commented that the existing Agricultural parcel would transition at some point. She said she was empathetic to the argument about existing zoning when homes were purchased. However, she said she did not believe the requested rezone would be incongruent with the Porter Lane area, and would improve an already awkward property situation.

Commissioner Wilcox said she believed landscaping on the outside of the wall to be enjoyed by the neighborhood was preferable to landscaping on the inside of the wall at the back of a commercial lot. She said she thought Mr. Bell had come up with a good solution to an awkward land arrangement.

Chair Hayman **moved** for the Planning Commission to recommend approval of the Zone Map Amendment for a northernly portion of Parcel 03-001-0178, as depicted in the submittal dated June 16, 2020 and as presented to the City, from Residential Medium to Commercial Very High, subject to the following requirement and findings. Lisa Romney, City Attorney, said a landscape waiver, previously granted to the applicant with a prior application, would need to be obtained independently for this situation. Chair Hayman **amended the motion** to add a Requirement (b) regarding landscape buffering. The motion was seconded by Commissioner Kjar. Commissioner Wright repeated that she did not believe the proposal was consistent with the General Plan, did not agree with pushing the C-VH further east, and believed the rezone may affect existing property values. The motion passed by majority vote (3-2), with Commissioners Kjar, Wilcox, and Chair Hayman in favor, and Commissioners Summerhays and Wright dissenting.

Requirement:

a) Any rezone of the partial area cannot become effective until lot boundary is sanctioned or approved by the City allowing the proposed area for commercial use to be absorbed into the applicable business lot to the west.
b) Any rezone shall require a new site plan approval and any landscape buffer variance or waiver shall be re-evaluated.

Findings:

1. The Planning Commission finds that there has been a sufficient review and consideration of the criteria found in Section CZC 12.21.080.e of the Zoning Ordinance.
2. The Planning Commission finds that the rezone is substantially consistent with the goals of the General Plan, as described in the staff report.
3. The Planning Commission finds that given the 500-foot allowance for commercial uses along the Frontage Road, as described in the Southwest Neighborhood Plan, the commercial rezoning request does not encroach unreasonably to the east into the neighborhood.
4. The Planning Commission finds the remaining large portion parcel in the R-M Zone appears to be of sufficient size to develop the expected low to medium residential use buffering, as per the Porter area policy expectations.

5. The Planning Commission finds that the requirement condition of the rezone for lot line boundary changes are directly related to ensure that the rezone action complies with applicable zoning and subdivision regulations adopted by the City.
6. Therefore, the Planning Commission finds that the request for C-VH Zoning designation is appropriate.

PUBLIC HEARING – ZONING CODE AMENDMENTS – CHAPTER 12.69 (MEDICAL CANNABIS FACILITIES)

On December 11, 2019, the Planning Commission reviewed and held a public hearing on proposed amendments to the Zoning Code regarding Medical Cannabis Facilities. The Planning Commission recommended a number of changes to the proposed amendments and directed Staff to prepare a revised draft. Ms. Romney presented changes to the proposed new Chapter 12.69 regarding Medical Cannabis Facilities.

Chair Hayman opened a public hearing at 10:06 p.m., and closed the public hearing seeing that no one indicated a desire to comment. Chair Hayman **moved** to recommend approval of Ordinance No. 2020-03 enacting Chapter 12.69 of the Centerville Zoning Code regarding Medical Cannabis Facilities. Commissioner Summerhays seconded the motion, which passed by unanimous vote (5-0).

COMMUNITY DEVELOPMENT DIRECTOR REPORT AND COUNCIL UPDATE

The Planning Commission was scheduled to meet next on July 22, 2020. Commissioner Wright said she would like the Planning Commission to consistently spend time on the Commission's 2020 goals.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the June 24, 2020 Planning Commission meeting were reviewed. Chair Hayman **moved** to accept the unamended minutes. Commissioner Summerhays seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 10:17 p.m., Chair Hayman **moved** to adjourn the meeting. Commissioner Wright seconded the motion, which passed by unanimous vote (5-0).

Leah Romero, City Recorder

July 22, 2020
Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY, INC. 1848 CORPORATE SEAL