

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, July 31, 2013**

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

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Tamilyn Fillmore, Vice Chair

10 David P. Hirschi

11 Scott Kjar (arrived at 7:05 p.m.)

12 Steven Markham

13 Debra Randall

14
15 **MEMBERS ABSENT**

16 Brian Holman

17 Kevin Merrill, Chair

18
19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director

21 Lisa Romney, City Attorney

22 Katie Rust, Recording Secretary

23
24 **STAFF ABSENT**

25 Brandon Toponce, Assistant Planner

26
27 **VISITORS**

28 Interested citizens (see attached sign-in sheet)

29
30 **PLEDGE OF ALLEGIANCE**

31
32 **OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner David Hirschi

33
34 **MINUTES REVIEW AND APPROVAL**

35
36 The minutes of the Planning Commission meeting held July 10, 2013 were reviewed.
37 Commissioner Hirschi and Vice Chair Fillmore requested amendments. Commissioner Hirschi
38 made a **motion** to accept the minutes as amended. Commissioner Randall seconded the
39 motion, which passed by unanimous vote (4-0). Commissioner Kjar abstained from voting since
40 he was not in attendance at the July 10 meeting.

41
42 **PUBLIC HEARING – KING COMMERCIAL DEVELOPMENT – 330 WEST PARRISH**
43 **LANE**

44
45 Recently, the owner of the Good Spray Car Wash and Subway came to the City with a
46 proposal to create the King Commercial Development consisting of 3 lots. At the conceptual
47 level, the Planning Commission agreed to allow preliminary and final subdivision approval to be
48 combined. Cory Snyder, Community Development Director, stated that not all requirements
49 have been met, but the applicant may request the Commission recommend City Council
50 approval at this time and allow staff to ensure all requirements are complied with before
51 presentation to the Council. Staff recommended the Commission table approval of both

1 Preliminary/Final Subdivision Approval and Final Site Plan until the all issues have been
2 resolved and requirements met.

3
4 The Parrish Lane Gateway Standards require 20 feet of landscaping along Parrish street
5 frontage. For the retail building the plans depict only 17 feet to the drive-thru lane. There is an
6 option for the Planning Commission to approve a waiver of strict compliance. Due to the layout
7 configuration, staff is supportive of considering such a waiver request. However, the applicant
8 has not provided the arguments for a waiver and staff have not provided findings for that action.
9 Mr. Snyder explained other issues that had not been completed at the time the staff report was
10 prepared, including decorative exterior lighting, the number of street trees (12 are required, 10
11 are provided), and dumpster enclosures. Mr. Snyder has also not had a response from the City
12 Engineer regarding his opinion of planned drainage solutions. Mr. Snyder informed the
13 Commission that they may see new direction from the City Council regarding street lighting in
14 the future, but at this time the Gateway Standards still require decorative street lighting. Staff is
15 not comfortable recommending final plat approval without all issues resolved.

16
17 Commissioner Kjar asked if Dairy Queen is part of the new subdivision and if drainage
18 from the new subdivision would cross the Dairy Queen property. Staff responded Dairy Queen
19 is not part of the subdivision, but an easement exists to accommodate drainage. Commissioner
20 Hirschi asked if it would be helpful to staff to know the Commission's opinion regarding the
21 waiver of strict compliance. Mr. Snyder responded that he would recommend approval of a
22 waiver. He feels the configuration itself speaks in favor of a waiver request.

23
24 Referring to the landscaping requirements, Vice Chair Fillmore pointed out that a
25 landscaping waiver was granted to Dairy Queen, providing a precedent for such an action. She
26 also commented that the sidewalk plan is much improved over the previous plan brought to the
27 Commission, and asked where benches or tables will be located.

28
29 The applicant, Eldon Haacke, thanked staff for their input and suggestions in putting the
30 plan together. He feels the plan provides plenty of parking with good circulation, and he expects
31 the Subway to do even better than it does now. He stated that if approval is tabled, construction
32 will be postponed until February. Time is of the essence. He feels City staff is capable and
33 could address the remaining concerns. Mr. Haacke went through the list of issues in the staff
34 report specified as "not complete" and described solutions:

35
36 Preliminary/Final Subdivision Plat Submittal

- 37 1. "... the plat is integrated with the site plan and does not provide the required
38 easements along the interior lot lines." Mr. Haacke feels he can work with staff to
39 resolve this issue. The plan shows a ten-foot utility easement on the front and a
40 15-foot easement on the back. He needs direction regarding where easements
41 are desired, but does not feel the issue should delay moving forward.

42
43 Final Site Plan Submittal

- 44 2. "Required Street Trees 10 provided – 12 Required" The proposed plan has more
45 street trees than the neighboring Dairy Queen property, and more than the total
46 trees required for the site. Mr. Haacke stated he feels 10 street trees is
47 adequate. He would not want to conceal the businesses behind excessive trees,
48 and does not think this issue should cause several weeks delay. The
49 Commission can give direction at this time.

- 1 *"Berm Landscaping"* A 3-foot berm is shown on the plan. Mr. Haacke feels staff
2 can ensure the requirement is met on the final.
- 3 5. *"Screening detail shall be depicted as part of the final site plan submittal,*
4 *indicating that all ground and roof-mounted equipment have been properly*
5 *screened from view."* Mr. Haacke pointed out the location of roof-mounted
6 equipment on the plans, and explained that none will be visible.
- 7 6. *"Detail concerning the dumpster enclosures shall be indicated on the final site*
8 *plan and meet the requirements found in Section 12-51-110 of the Zoning*
9 *Ordinance."* Mr. Haacke provided information regarding the dumpster
10 enclosures, which will have a CMU exterior that can be painted.
- 11 8. *"A lighting plan shall be submitted indicating all building, parking lot and*
12 *pedestrian lighting. Wall lighting should be decorative in nature to enhance the*
13 *architectural building design. Staff Response: Details provided, fixture locations*
14 *on buildings are incomplete."* Mr. Haacke pointed out the locations of decorative
15 exterior lighting on the new elevations he provided.
- 16 9. *"Streetscape Standards such as street trees and pedestrian lighting shall be*
17 *depicted on the final site plan and shall meet the required City Standards. Staff*
18 *Response: Depicted, Complies – however, the Public Works Director has not*
19 *accepted the plans yet at this time."* Mr. Haacke pointed out street lighting on the
20 newer copy of the plan that meets required City Standards.
- 21 10. *"All easements and utilities shall be shown on the final site plan."* Mr. Haacke
22 explained the current owner intends to maintain ownership of all three lots. He
23 feels the easement and utility issues can be addressed with staff.

24
25 Referring to the Parrish Lane Landscape Setback requirement of 20 feet (under #2 on
26 the staff response to the Final Site Plan Submittal), Mr. Haacke explained that the plan includes
27 a 17-foot landscape setback to maximize traffic flow, which he feels is more important than a
28 few more feet of landscaping. He suggested the possibility of a 16-foot landscaping setback
29 and a one-foot strip of landscaping in front of the building. He asked the Commission what they
30 prefer. The property could not be developed without a variance from the 20-foot requirement.
31 He feels the plan will look wonderful and will enhance the area. Vice Chair Fillmore asked to
32 see the locations of benches. Mr. Haacke pointed out planned bench and table/chair locations
33 and stated he can add more benches if directed. He feels everything has been addressed, and
34 expressed a desire to begin construction in October.

35
36 At 8:05 p.m. Vice Chair Fillmore opened a public hearing for the preliminary/final
37 subdivision plan. Seeing that no one wished to comment she closed the public hearing.
38 Commissioner Kjar asked Mr. Snyder if he would be offended if the Commission chose to
39 approve the final plan and direct staff to ensure compliance prior to Council review. Mr. Snyder
40 responded he feels staff will be able to verify compliance if the Commission is comfortable with
41 the design.

42
43 Commissioner Hirschi expressed some concern with the lack of showing of utility
44 easements. He is not sure each lot needs to be wrapped in a 10-foot easement because of the
45 nature of the layout, but the lots are susceptible to future sale and he wants to ensure sufficient
46 PUEs to service each lot. Mr. Snyder responded that the utility providers have not made any
47 special requests. The subdivision is generic. Lisa Romney, City Attorney, stated that the PUE
48 is an ordinance requirement.

Commissioner Kjar made a **motion** to recommend the City Council approve the preliminary/final subdivision plan and plat for the King Commercial Development located at 330 West Parrish Lane with the following conditions:

Conditions

1. The subdivision plat shall be separated from the final site plan layout and shall depict the lot layout and utility easement locations in preparation for recording a subdivision plat.
2. The City Engineer & Planning staff shall separately review and make comment to the City Council about whether the subdivision plat complies with applicable subdivision regulations.
3. Staff will prepare appropriate findings for Council approval.

Commissioner Hirschi seconded the motion, which passed by unanimous vote (5-0).

Referring to the landscaping issues, Commissioner Hirschi stated he feels the plan proposed by the applicant makes sense due to existing limitations on the property. He feels the 17-foot waiver makes sense, and does not see a need for foundation landscaping that would not be visible from the street. Commissioner Kjar feels there should be as much parking as possible, and would prefer to keep parking lanes and backing areas as wide as possible. Commissioner Kjar knows from experience that tenants would prefer no street trees because of visibility. He does not have a problem with the 10 trees instead of 12, and is comfortable with the final site plan. Vice Chair Fillmore stated she feels strongly about trees and balancing greenscape with hardscape. However, since there are more trees than required for the overall plan, she is comfortable with including the 10 street trees in the waiver.

Commissioner Kjar made a **motion** to recommend final site plan approval for the King Commercial Development located at 330 West Parrish Lane, agreeing to the waiver of strict compliance with respect to the 17-foot landscape setback, the foundation landscaping, and the proposed 10 street trees as submitted to the Planning Commission, subject to staff verifying compliance with the following conditions and findings, noting that the waiver has been considered and discussed. Commissioner Hirschi seconded the motion, which passed by unanimous vote (5-0).

Conditions

1. The final site plan submittal is to address the requirement that all ground and roof-mounted equipment have been properly screened from view – Section 12-51-110(d)&(e).
2. The final site plan submittal is to address the requirements for dumpster enclosure screening – Section 12-51-110(a).
3. The final site plan submittal shall provide the final elevation plans for the lube center building.
4. A lighting plan shall be revisited to address the missing building lighting. The plans for wall lighting should be decorative in nature to enhance the architectural building design – Section 12-63-070(b)(2).
5. The City Engineer is to review and deem the traffic study acceptable and in compliance with applicable City regulations.
6. The City Engineer is to review and deem acceptable the drainage and utility plans, and more specifically the Storm Drainage Management Plan.
7. The City Public Works Director is to review and deem acceptable the street lighting (i.e., pedestrian) locations and fixture types.

Findings

1. In accordance with Section 12-51-050, the Planning Commission finds that: 1) the waiver preserves the intent of the landscaping regulations; 2) the waiver does not result in an adverse impact on adjacent properties; 3) the strict application of landscaping provisions is unreasonable and unnecessary given the surrounding existing development; 4) there are exceptional conditions present due to the narrow depth of the property.
2. The Planning Commission finds that the conditions imposed ensure compliance with the City's landscaping, parking, Parrish Lane Guidelines, and waiver regulations.

PUBLIC HEARING – SUBDIVISION ORDINANCE TEXT AMENDMENT – FLAG LOTS

The Flag Lot Ordinance has a strict limitation of two lots, due to being strictly tied to the "Small Subdivision Waiver" process. The original purpose of the small lot allowance was to efficiently facilitate the division of land where parcels front existing streets and utilities are readily available. When the Flag Lot Ordinance was originally developed, it was anticipated that its use would be limited and only utilized when it was not feasible to construct new roads and a parcel is markedly underutilized. Thus, it was partnered with the small subdivision process.

When adopted by the City, the flag lot regulations envisioned allowing a stacking or partnering of two flag lots in addition to the original lot for a total of three lots. However, the actual small subdivision limits the use to only two lots. Thus, there is an inherent conflict that was not addressed during the adoption of the flag lot regulations.

Cory Snyder, Community Development Director, explained that staff believes the most effective route is to adjust the definition of what constitutes a small subdivision and how a flag lot subdivision would be recorded. Because flag lots would also involve private access lanes that might also be shared and additional or unconventional easements for utilities may be required for various layout scenarios, staff believes that these elements are better facilitated through a platting mechanism. Thus, the suggested changes are as follows:

1. Definitions;

Section 15-1-104 – *Amend* (45) "Small Subdivision" means a subdivision of not more than 2 lots or when the subdivision includes the use of flag lots that meets the small subdivision waiver allowance criteria.

2. Flag Lot Requirements;

Section 15-5-102 – *Add section* (c) – Any Flag Lot Subdivision shall be recorded using the City's final plat requirements of Section 15-4-103.

Vice Chair Fillmore asked why Mr. Snyder recommends recording as a plat. Mr. Snyder responded that with a plat each lot owner would know what they were getting. Flag lots come with the issues of shared accesses, shared easements, shared utilities, and shared alignments, which are easier to understand with a plat. Commissioner Hirschi agreed that warranty deed descriptions would need to be seen on a plat to be understood.

At 8:40 p.m. Vice Chair Fillmore opened a public hearing.

Paul Cutler – Mr. Cutler appreciates the Commission taking time to review the matter. The proposed changes would help him as a property owner, and he supports requiring a plat.

1 He stated that the suggested findings seem vague, and suggested that finding #3 be revised to
2 specify a total of four lots. Mr. Cutler requested further discussion time to address his specific
3 situation after the Commission completes the present business.
4

5 Mr. Snyder clarified that it is not the intent of staff to place any limit on the number of lots
6 possible. He stated that if it is impossible to conventionally subdivide a property, the number of
7 flag lots possible will depend on the size of the property. Vice Chair Fillmore stated she
8 interprets the ordinance to read that the flag lot ordinance is setup and intended for three lots,
9 but if a flag lot situation and a small subdivision situation were combined there could be more
10 than three.
11

12 Joanie Evans – Ms. Evans owns the property at 712 South 300 East. She expressed
13 appreciation for the Commission's consideration of property owners who have purchased and
14 maintain historic property. Her home is located on the back half of the 1.25 acre property, with
15 a 25-foot access lane and 183-foot frontage. The large amount of frontage has been a problem
16 with people wanting to park/party on the open frontage. Her property could qualify as a
17 subdivision, but where properties are concerned, one size does not fit all. Centerville is a
18 unique city with unique properties. She could put three 60-foot frontages on the property, which
19 would still leave her property with 60-feet. She is concerned about properties in the area being
20 turned into rentals and not kept up. She wants to ensure her frontage looks good. It would be
21 difficult to sell properties with only 60-feet of frontage. She would like to be able to put two new
22 homes in the front of the property with 75-feet of frontage each, with her home behind as a flag
23 lot. She thanked the Commissioners for what they do.
24

25 At 8:50 p.m. Vice Chair Fillmore closed the public hearing. Commissioner Kjar stated he
26 shares Mr. Cutler's concern about finding #3. He views it as a cap. Ms. Romney suggested
27 ending the sentence at "to the original lot," and deleting "for a total of three lots." Vice Chair
28 Fillmore stated she is fine with the change. Commissioner Randall expressed a desire to
29 correct grammatical errors in findings #3 and #4, as well as the suggested definition.
30

31 Commissioner Randall made a **motion** for the Planning Commission to recommend to
32 the City Council, to amend the City's Subdivision Ordinance; as follows:
33

34 1. Definitions;

35 Section 15-1-104 – *Amend* (45) "Small Subdivision" means a subdivision of
36 not more than 2 lots or a subdivision which includes the use of flag lots that
37 meets the small subdivision waiver allowance criteria.
38

39 2. Flag Lot Requirements;

40 Section 15-5-102 – *Add section* (e) – Any Flag Lot Subdivision shall be
41 recorded using the City's final plat requirements of Section 15-4-103.
42

43 **Findings:**

- 44 1. The Planning Commission finds that the original purpose of the small lot allowance
45 was to efficiently facilitate the division of land, where parcels front existing streets
46 and utilities are readily available.
47 2. The Planning Commission finds that when the Flag Lot Ordinance was originally
48 developed, it was anticipated that its use would be limited and only utilized when it
49 was not feasible to construct new roads and a parcel is markedly underutilized.
50 Thus, it was partnered with the small subdivision process.

3. The Planning Commission finds that the current flag lot regulations envision the stacking or partnering of two flags lots in addition to the original lot.
4. The Planning Commission finds that the actual small subdivision waiver limits the use to only two lots. Thus, there is an inherent ordinance conflict that was not addressed during the adoption of the flag lot regulations.
5. The Planning Commission finds that the most effective route is to adjust the definition of what constitutes a small subdivision and add provisions of how flag lot subdivisions are to be recorded.

Commissioner Kjar seconded the motion, which passed by unanimous vote (5-0).

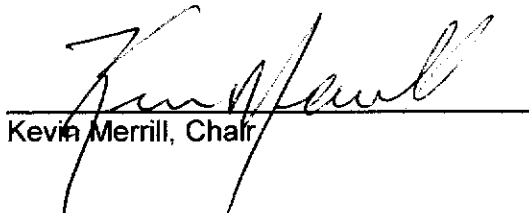
Mr. Cutler explained the situation with his property. After a brief discussion he agreed to discuss the matter further with staff.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The next Planning Commission meeting will be held on August 14, 2013.

ADJOURNMENT

At 9:07 p.m. Vice Chair Fillmore made a **motion** to adjourn the meeting. Commissioner Kjar seconded the motion, which passed by unanimous vote (5-0).


Kevin Merrill, Chair

8-14-13
Date Approved


Katie Rust, Recording Secretary

