

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, August 12, 2020**

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

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

8
9 **MEMBERS PRESENT**

10 Kevin Daly, Vice Chair
11 Cheylynn Hayman, Chair
12 Mason Kjar
13 Christina Wilcox
14 Becki Wright

15
16 **MEMBER ABSENT**

17 Spencer Summerhays

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19 **STAFF PRESENT**

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

24
25 **VISITORS**

26 Jansen Davis, CenterPoint Theatre Executive Director
27 Orlando Taylor, representing Bank of America
28 Eric Malmberg, representing Bank of America
29 Matt Salcedo, Bank of America
30 Thomas Peters, Attorney for Deerwood Investments
31 Justin Manning, Extreme Auto

32
33 **OPENING COMMENTS/LEGISLATIVE PRAYER** Commissioner Wilcox

34
35 **PLEDGE OF ALLEGIANCE**

36
37 **PUBLIC HEARING – CONDITIONAL USE PERMIT EXTENSION – CENTERPOINT**
38 **THEARE**

39
40 The applicant, Jansen Davis with CenterPoint Theatre, applied for an extension of the
41 Conditional Use Permit received on June 24, 2020 for the Concert in the Park-ing Lot Series, to
42 extend performance dates until October 26, 2020 due to continuing health regulations. Mr.
43 Davis expressed the hope that after October 26th the Theatre would be able to move
44 performances inside with safety precautions.

45
46 Chair Hayman opened a public hearing at 7:10 p.m., and closed the public hearing
47 seeing that no one wished to comment. Councilmember Wright **moved** to approve the
48 Conditional Use Permit extension request for CenterPoint Legacy Theatre at 525 North 400

West subject to the following conditions and reasons for action. Councilmember Kjar seconded the motion, which passed by unanimous vote (5-0).

Conditions:

1. This Conditional Use Permit shall apply only to the user space located at 525 North 400 West.
2. This Conditional Use Permit approval is for Recreation and entertainment, outdoor use.
3. All vehicles shall be parked within parking stalls and not in access lanes.
4. This Conditional Use Permit approval is for performances on Friday and Saturday nights, with possible Monday night performances.
5. All performances, noise, and lighting shall be terminated by 10:00 p.m. each night.
6. This permit shall expire on October 26, 2020.

Reasons for Action:

- a) The Planning Commission finds that the land use of recreation and entertainment, outdoors is a conditional use within the Public Facilities-High Zone [CZC 12.36 (Table of Uses)].
- b) The use is consistent with the expectation of the City's General Plan [Section 12-480-5].
- c) The Planning Commission finds that with the implemented conditions of approval, the criteria for issuance of the Conditional Use Permit have been satisfied, as described in the applicable staff reports.

FINAL SITE PLAN – BANK OF AMERICA

Cory Snyder, Community Development Director, spoke of possible impacts future changes to the Marketplace Drive/Parrish Lane intersection may have on the subject property, and explained accommodations on the Final Site Plan. He showed materials proposed for the Bank of America project, and answered questions from the Commission. He expressed the opinion that the proposed use of gray would be harmonious with gray tones used on surrounding properties. Responding to a question from Commissioner Wright, Mr. Snyder explained that placement of the sidewalk is regulated by UDOT. Orlando Taylor with Gensler, representing the applicant, explained that the gray tones were chosen to give a contemporary feel and to be harmonious with surrounding buildings.

Chair Hayman opened a public hearing at 7:28 p.m.

Thomas Peters, Attorney for Deerwood Investments, thanked City Staff and the Planning Commission for working so closely with representatives of Bank of America on the project.

Chair Hayman closed the public hearing at 7:29 p.m. She expressed the opinion that the proposed use of dark gray would not be harmonious with buildings in the area, and said she would prefer a warmer tan tone. Commissioner Wright referred to a previous application reviewed by the Planning Commission for a property along Parrish Lane, and commented that

1 the Planning Commission had denied significant use of gray for that application. Commissioner
2 Daly said he believed the Bank of America situation was different from the situation mentioned
3 by Commissioner Wright, and said he did not have a problem with the proposed color scheme.
4 He said he felt the color scheme would be harmonious with the nearby MTC building and the In-
5 N-Out building. Commissioner Wright and Chair Hayman suggested the image provided did not
6 accurately reflect how dark the gray would be. Commissioner Wright said she would be more
7 comfortable with a lighter cool tone than the Charcoal Slate proposed. Mr. Snyder commented
8 that a darker cool tone would provide a more aesthetically pleasing effect next to the proposed
9 rock material. Commissioner Wilcox said she personally preferred cool tones.

10
11 Mr. Taylor said he would be able to submit a different color palette if desired.
12 Commissioner Daly said he wanted to be sensitive to the applicant's timeline. The Commission
13 discussed possibilities for moving forward.

14
15 Chair Hayman **moved** to approve the Final Site Plan Application, submitted by
16 Deerwood Investment, Utah LLC, for the proposed Bank of America development, located at
17 782 West Parrish Lane (aka: Former Iggy's Restaurant), subject to the following conditions and
18 reasons for action. Commissioner Daly seconded the motion, which passed by unanimous vote
19 (5-0).

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21 Conditions:

- 22
- 23 1. This Final Site Plan Approval shall be subject to the compliance with the Final Site
24 Plan documents (dated July 22, 2020) and as submitted and presented (August 12,
25 2020) to the Planning Commission, or as amended in accordance with this approval
26 or other applicable City Ordinances.
 - 27 2. All ground mounted utility equipment shall be screened from view, as viewed from a
28 public street.
 - 29 3. As part of the building construction plan submittal, the plans shall comply with the
30 building feature percentages of CZC 12.633.040(c), which shall be deemed
31 acceptable by the City's Zoning Administrator. Any compliance disagreements shall
32 go back to the Planning Commission for final resolution.
 - 33 4. The applicant's next step is to prepare and submit the final construction documents
34 to the City Engineer for acceptance in accordance with the adopted City
35 Specifications and Standards.
 - 36 5. The applicant shall prepare and submit to the City Recorder the required bonding
37 agreements for the changes to the public infrastructure and for the alterations of the
38 onsite landscaping.
 - 39 6. A sign permit is required prior to the erection, installation, or use of the proposed
40 signs, which is a separate and distinct approval from this Final Site Plan approval.
 - 41 7. The site is located within a redevelopment area enacted by the City and is subject to
42 other provisions and restrictions defined by the Redevelopment Agency. Therefore,
43 the proposed changes and alterations to this specific site must obtain a final approval
44 from the Redevelopment Agency.
 - 45 8. The final color scheme will be approved by the Planning Commission prior to
46 issuance of a building permit.
- 47

Reasons for Action:

- a) The Planning Commission finds that the Final Site Plan has been reviewed in accordance with CZC 12.21.110(e).
- b) The Planning Commission finds that the Final Site Plan has been reviewed considering the applicable provisions of the Centerville Zoning Ordinance, as outlined in the applicable Planning Staff Reports of the related Conceptual Site and Final Site Plan submittals.
- c) Lastly, the Planning Commission finds that any conditions of this approval limited to conditions needed to conform the Final Site Plan to the applicable development standards and ordinance requirements [see CZC 12.21.110(f)].

PUBLIC HEARING - CONCEPTUAL SITE PLAN – EXTREME AUTO

Mr. Snyder explained that the applicant desired to convert the existing site for the purposes of relocating his business operation involving Vehicle, Sales and Vehicle, Repair. Currently, the site did not have an approved operating business or land use. Generally, the site appeared to be unkempt and filled with abandoned vehicles, equipment, and miscellaneous materials and debris. The applicant expressed a desire to clean up the site and significantly remodel the existing buildings to accommodate his business. Mr. Snyder stated there were no records on City file for developing the site. However, Business License files show several licensing (1977 to 2008) of uses such as Taylor Contractors, a sign manufacturing company, a transport company, and former auto repair business. It appeared from these records that the last use known was closed in 2008.

The site appears to have been altered or modified in a manner not compliant with existing or past development regulations. Such alterations and uses are not legally recognized by the City. Nonetheless, the applicant may seek an alternative option by submitting to the Board of Adjustment to have the Board determine if there are legal nonconformities for these matters present for the site. Consequently, Staff believes that to reuse the site, the applicant would be required to comply with CZC 12.22.080 – Other Nonconformity. Since it was proposed the buildings be significantly remodeled for the new businesses, a new “certificate of occupancy” would need to be obtained for the proposed alteration and reuse of the existing buildings. This would require the applicant to bring the site into compliance, not only with the elimination/removal of unauthorized activities or uses, but also applicable building codes and with the required parking lot and parking stall regulations, along with compliance with the landscaping regulations [CZC 12.22.080(c)].

Justin Manning, applicant, explained plans to clean up the property and stated that significant work had already taken place. Mr. Manning spoke of plans for phasing, and explained timing constraints for his business and the project.

Chair Hayman opened a public hearing at 8:17 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Kjar said he would not be inclined to approve considering the absence of a clear development phasing plan. Lisa Romney, City Attorney, responded that Staff shared concerns regarding phasing, but pointed out that a phasing plan was not required for approval of a conceptual site plan.

Commissioner Wright suggested approving the Conceptual Site Plan with clear conditions to allow the applicant to continue moving forward. Commissioner Kjar agreed with the suggestion.

Commissioner Kjar **moved** to approve the Conceptual Site Plan, subject to the following conditions and reasons for action. Commissioner Wright seconded the motion, which passed by unanimous vote (5-0).

Conditions:

1. The applicant shall submit a Final Site Plan application meeting the submittal standards listed in CZC 12.21.110(e) of the Zoning Ordinance.
2. In conjunction with the Final Site Plan submittal, the applicant shall prepare and submit a Conditional Use Application for Vehicle Sales, Used or New, that meets the submittal standards of CZC 12.21.100(d).
3. The Final Site Plan submittal shall also address the following:
 - a. Provide a landscaping plan that addresses the following:
 - provide the total on-site tree requirements;
 - provide the required Street Frontage Trees;
 - provide the required 50% building foundation landscaping;
 - provide the required 5% internal parking lot landscaping;
 - provide final area and site percentage tabulation; and
 - the Landscaping Plan is to be designed and prepared by a certified Landscape Architect with adequate experience in Xeriscaping Design.
 - b. The applicant shall coordinate with the City Engineer and Public Works Director to prepare the civil plans for providing or upgrading needed utility services for the property, which shall be provided with the Final Site Plan submittal.
 - c. The applicant shall obtain City Engineer and Public Works Director approval for the proposed access points for the site.
 - d. The applicant shall prepare and submit a phased development site plan which shall show:
 - the planned development of the entire site; and
 - the timing and sequencing of improvements to be completed with each phase.
 - e. As part of the Final Site Plan submittal, the applicant shall provide or depict the methods and timing involved to bring the site into compliance with mentioned Zoning Ordinance violations described in the Planning Staff Report.

Reasons for Action:

- a) The Planning Commission finds that a conceptual site plan is not intended to permit actual development of property pursuant to such plan but is to be prepared and reviewed merely to represent how the property could be developed in accordance with applicable regulations.

- 1 b) The Planning Commission finds that all existing sites with non-conformities with
2 regards to site landscaping, screening, or other issues, shall be brought into
3 conformance upon the occurrence of a new certificate of occupancy, as described in
4 CZC 12.22.080(c).
- 5 c) The Planning Commission finds that according to CZC 12.23.070, the City may deny
6 or withhold all permits, certificates, or other forms of authorization pertaining to any
7 land or improvements when an uncorrected violation exists or instead of withholding
8 or denying an authorization, grant such authorization subject to the condition that the
9 violation be corrected.
- 10 d) The Planning Commission finds that, with the stated Directives of Acceptance, the
11 applicant is equipped sufficiently to proceed with a submittal of a Final Site Plan and
12 Conditional Use Application.

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14 **PDO AMENDMENT – PARRISH CREEK BUSINESS PARK**

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16 This item was tabled to August 26, 2020 at the applicant's request.

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18 **MINUTES REVIEW AND ACCEPTANCE**

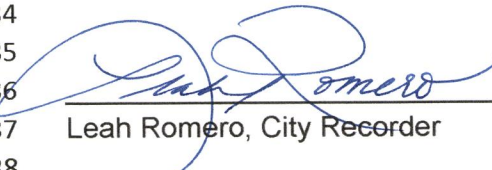
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20 The minutes of the July 22, 2020 Planning Commission meeting were reviewed and an
21 amendment requested. Commissioner Daly **moved** to accept the amended minutes.
22 Commissioner Wilcox seconded the motion, which passed by unanimous vote (5-0).

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24 **COMMUNITY DEVELOPMENT DIRECTOR REPORT AND COUNCIL UPDATE**

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26 The Planning Commission was scheduled to meet next on August 26, 2020. Ms.
27 Romney reported on a recent Land Use Task Force meeting.

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29 **ADJOURNMENT**

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31 At 8:34 p.m., Chair Hayman **moved** to adjourn the meeting. Commissioner Daly
32 seconded the motion, which passed by unanimous vote (5-0).

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37 Leah Romero, City Recorder

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41 Date Approved

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46 Katie Rust, Recording Secretary

