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2 **PLANNING COMMISSION MINUTES OF MEETING**

3 **Wednesday, August 13, 2014**

4 **7:00 p.m.**
5

6 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
7 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.
8

9 **MEMBERS PRESENT**

10 Gina Hirst

11 Logan Johnson

12 Kevin Merrill, Vice Chair

13 Debra Randall
14

15 **MEMBERS ABSENT**

16 David Hirschi, Chair

17 William Ince

18 Scott Kjar
19

20 **VISITORS**

21 Dell Nichols

Richard Rowe

22 Dave Kocherhans

Andy Rhodes

23 Bob Snyder

Craig Widmier

24 Spence Packer

Merrill Sherriff

25 Steve Garner
26

27 **STAFF PRESENT**

28 Corvin Snyder, Community Development Director

29 Brandon Toponce, Assistant Planner

30 Lisa Romney, City Attorney

31 Kathy Streadbeck, Recording Secretary
32

33 **PLEDGE OF ALLEGIANCE**

34
35 **OPENING COMMENT/LEGISLATIVE PRAYER**

Vice Chair Kevin Merrill

36
37 **MINUTES REVIEW AND APPROVAL**
38

39 The minutes of the Planning Commission meeting held July 23, 2014 were reviewed and
40 amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The
41 motion was seconded by Commissioner Hirst and passed by unanimous vote (4-0).
42

43 **PUBLIC HEARING | CONVENIENCE STORE/GAS STATION | 1011 SOUTH**
44 **MAIN STREET (Corner of Pages & Main) - Consider a conditional use permit for**

operating a fast-food restaurant in a C-H (Commercial-High) Zone, located at 1011 South Main Street. Dell S. Nichols, Applicant

Brandon Toponce, Assistant Planner, reported the applicant previously (June 2013) received a conditional use approval for the proposed project; gas station, convenience store, and fast-food restaurant. The conditional use permit has since expired per the 180 day no activity clause (Section 12-21-100). The applicant is once again ready to proceed with the project and is seeking a new conditional use permit approval for the fast-food use. Mr. Toponce distributed and reviewed the site plan for the proposed project. There is adequate access, circulation, and parking for the project. The applicant previously received approval from the Board of Adjustment for the enlargement and expansion of the existing building which is still valid. The proposed fast-food use is allowed within the Commercial-High Zone with a conditional use permit. The General Plan encourages attractive commercial development within this area. The southeast corner of Pages Lane and Main Street has been in a dilapidated state for several years. The proposed redevelopment of the site will likely improve the economic conditions of the area and help spur additional redevelopment of other surrounding businesses.

Mr. Toponce responded to questions from the Commission. He reviewed the parking and cross accesses. He explained the fast food use will have both a drive-thru and walk-in access. The interior of the building will include both a convenience store and tables for fast food patrons.

Dell Nichols, applicant, said it is applicants' fault the approvals expired, but are now ready to move forward. He explained the property was completely acquired from the original property owners last year. He also said they have successfully secured Steak & Shake as the restaurant use. This will be the first Steak & Shake in Utah.

Vice Chair Merrill opened the public hearing.

David Kocherhans said he represents the owners of the Village on Main located across the street to the west. The Village on Main was developed six (6) years ago and has struggled to sell their exterior pad sites, specifically their corner lot. He said this is partly due to the dilapidated gas station across the street. He said once the proposed gas station is redeveloped it will encourage the revitalization of other properties including their pad sites. He said the Village on Main is excited to see this gas station redeveloped and encouraged the Planning Commission to approve the application.

Vice Chair Merrill closed the public hearing.

Commissioner Johnson made a **motion** for the Planning Commission to approve the conditional use permit for a fast-food use to be located at 1011 South Main Street, subject to the following conditions:

Conditions:

1. The site located at 1011 South Main Street shall be approved for a fast-food restaurant use with a drive-through.
2. The fast-food use area shall not exceed a size larger than 1,500 square feet or that can be parking supported using one (1) stall per 100 square feet of fast-food space within the new proposed addition.
3. The fast-food use is approved, provided the site design and layout complies with the revised final site plan approval that is related to the issuance of this conditional use permit approval.

Reasons for Action (findings):

- a) A completed application for a conditional use permit has been submitted to the City [Section 12-21-100(d)(1)].
- b) The use of a fast-food restaurant, with a conditional use permit, is allowed within in the Commercial-High (C-H) Zone [Chapter 12-36].
- c) The conditional use permit review and criteria have been adequately addressed and are found to be in harmony with the surrounding neighborhood.

The motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (4-0).

PUBLIC HEARING | RENATUS OFFICE/WAREHOUSE BLDG | 1312 WEST 75 NORTH - Consider a conceptual site plan for the Renatus Office/Warehouse Building, to be located at approximately 1312 West 75 North, Evergreen Business Park, Lot 2 & 3, in the I-H Zone. Merrill Sheriff Construction, Applicant

Brandon Toponce, Assistant Planner, reported the applicant proposes to build an office/warehouse building. The applicant has purchased two (2) lots which will be combined to create one lot for the project. The proposed use is permitted within the Industrial-High Zone and is consistent with the goals and objectives of the General Plan. The proposed project meets the majority of the required development standards. Some additional details are needed with regard to parking and the driveway will need to be shifted slightly to the east to create a greater safe zone around the water meter. The proposed plans show where landscaping is to be located, but fails to mention the type of vegetation to be planted. The applicant will be required to follow screening and signage ordinances. The applicant will need to verify that no easements are located within the building area.

Lisa Romney, City Attorney, recommended an additional condition of approval to state the two (2) parcels shall be combined and appropriately recorded and that any easements within the building area be vacated or moved.

1 Bob Snyder, applicant, said this is going to be a beautiful building with beautiful
2 landscaping. He joked that his contractor believes they are over-building for the industrial area in
3 which they are located. He explained the parking access has already been shifted to
4 accommodate the water main safe zone and a new site plan has already been completed with this
5 change. He said both the parking and the landscaping details will be submitted as required. He
6 also assured the Commission that he will verify there are no easements in the interior of the
7 property and will have the combined properties appropriately recorded with the County.

8
9 Vice Chair Merrill opened the public hearing. There was no comment. He closed the
10 public hearing.

11
12 Commissioner Randall made a **motion** for the Planning Commission to accept the
13 conceptual site plan for the Renatus Office/Warehouse Building, to be located at 1312 & 1318
14 West 75 North, with the following conditions:

15
16 ***Conditions:***

- 17 1. The applicant shall submit a final site plan application meeting the standards found in
18 Section 12-21-110(e) of the Zoning Ordinance.
 - 19 2. Building elevations shall be submitted indicating the total height of the proposed
20 structure, final materials and colors.
 - 21 3. The location of all signage shall be indicated on the building elevations and on the
22 site plan, if a monument sign is preferred.
 - 23 4. Total square footage of office space and warehouse space shall be submitted with the
24 final plans as to calculate the required parking.
 - 25 5. A landscaping plan shall be submitted and indicate the following:
 - 26 a. Total overall percentage of landscaping
 - 27 b. Total parking lot percentage of landscaping
 - 28 c. Location, types and total number of plantings
 - 29 6. Detail concerning the location of the trash enclosure and the design and style of the
30 screening wall shall be submitted with the final site plan.
 - 31 7. All roof and wall-mounted equipment shall be shown on the final plans as being
32 screened from view.
 - 33 8. Utility provider sheets shall be submitted as part of the final site plan application
34 package.
 - 35 9. Applicant will assure the development will respect the space needed to accommodate
36 the water meter.
 - 37 10. Applicant shall record appropriate documents with the County Recorder's Office to
38 combine the two (2) lots into one (1) lot and vacate or move any easements under the
39 proposed building area. Sufficient evidence of the combining of the lots and vacation
40 of easements shall be submitted to and confirmed by the City prior to issuance of a
41 building permit.
- 42

Reasons for Action (findings):

1. The conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d)(2)].
2. According to the Table of Uses, an office/warehouse is permitted within the I-H Zone.
3. The development was found to meet the goals and objectives found within the Centerville City General Plan [Section 12-480-6].
4. The proposed site appears to have met all applicable development standards for the I-H Zone [Chapter 12-35].

The motion was seconded by Commissioner Johnson and passed by unanimous roll-call vote (4-0).

PUBLIC HEARING | CODE TEXT AMENDMENTS | APIARIES/BEEKEEPING -
Consider amendments to the Zoning Ordinance regarding the use and regulation of
Apiaries/Beekeeping, as directed by the City Council. Centerville City, Applicant

Cory Snyder, Community Development Director, reported the City Council directed staff to prepare the proposed zoning text amendment to remove the prohibition of apiaries and allow such a use within the city. The Council voted unanimously to create a “minimal” regulatory standard for beekeeping. Mr. Snyder reviewed the proposed beekeeping amendment which he created from various resources. The proposed amendment is minimal, as requested by the City Council and includes beekeepers’ “best management practices.” The proposed ordinance redefines apiaries, lists where apiaries may be allowed, and sets minimal regulations including flyways, water, equipment, and nuisance standards. Mr. Snyder explained options for the number of colonies allowed, i.e., a capped number, colonies per property size, or no limit. The Commission was invited to discuss the level of intensity that would be appropriate. The proposed amendment does not require beekeepers to register with the city.

Commissioner Johnson questioned what recourse a citizen might have if his or her property or their person were damaged/injured because of another’s beekeeping, if the City did not pass an ordinance regulating the use of apiaries. Lisa Romney, City Attorney, said this type of situation would be considered a private civil matter and an individual may be able to pursue a civil action if proof were provided. If the City were to pass a regulating ordinance that would give an individual another level of proof, but it does not necessarily mean the City would get involved if a dispute arose.

Mr. Snyder said there is also State law that allows the County/State to step in if an aggressive stock were confirmed. If the City passes a regulating ordinance it would give the City permission to control the operation of apiaries within the City and may help lessen conflicts, but it does not mean the City will settle conflicts between parties. He also explained he added the

1 nuisance section of the proposed ordinance to show that the City has the ability to issue a citation
2 if needed.

3
4 Vice Chair Merrill questioned the flyway standard vs. a setback standard. He questioned
5 if a setback should be called out so colonies are not placed too close to property lines. He also
6 raised concern with water. He said any stagnant water left by a beekeeper for the bees use could
7 potentially attract mosquitos. He also questioned the size of a typical colony.

8
9 Mr. Snyder said the proposed amendment does not require setbacks for the apiaries but
10 the flyway is intended to require bees to fly up and away lessening the chance of bees flying
11 directly into neighboring properties. He said setbacks could be included but this may require a
12 higher level of regulation and registration with the City. He explained he found there is already
13 an inherent conflict between beekeepers and mosquito abatement. This is something the
14 beekeeper and Mosquito Abatement would have to work out together. Depending on the depth of
15 the standing water any person can register with Mosquito Abatement for spray or mosquito
16 eating fish. He also said the size of the apiary is not specifically called out.

17
18 Vice Chair Merrill opened the public hearing.

19
20 Spence Packer said he has allowed a neighbor to keep bees on his property for some time
21 now. He said it has been mostly uneventful, but in the past two weeks the bees have become
22 aggressive to the point where he has had to borrow a bee suit in order to work near this side of
23 his property. He suggested the amendment address aggressive bees. He said allowing apiaries
24 could potentially increase the risk for neighbors who may be allergic to bee stings. He also said it
25 would be nice to be able to locate some apiaries at the Whitaker Museum.

26
27 Vice Chair Merrill closed the public hearing.

28
29 Commissioner Randall said she is concerned with the number of colonies allowed on a
30 property. She has learned that two colonies can produce plenty of honey to provide for a family.
31 She feels 10 colonies is excessive and would rise to the level of commercialization. However,
32 she understands that colonies can die over the winter and more than 2 may be needed. She is
33 comfortable allowing two colonies for properties that are ½ acre and smaller and a total of four
34 colonies for any properties larger than ½ acre.

35
36 The Commission discussed potential pros and cons of the number of colonies allowed. A
37 majority of the Commission was comfortable allowing 2 colonies on ¼ acre properties and 4
38 colonies on larger properties. It was also discussed that 1 acre and larger properties could
39 accommodate more than 4 colonies and perhaps this should be considered.

40
41 Commissioner Johnson made a **motion to table** this item until the next Planning
42 Commission meeting. He suggested Commissioners take this time to further research beekeeping

1 with regard to various property sizes. He also requested that staff review setbacks and provide a
2 recommendation on applying setbacks to the proposed apiary amendment. The motion was
3 seconded by Commissioner Hirst and passed by unanimous roll-call vote (4-0).

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5 **PUBLIC HEARING | CODE TEXT AMENDMENTS | PARRISH/LEGACY**
6 **TRANSIT-ORIENTED DEVELOPMENT CENTER FOR THE WEST CENTERVILLE**
7 **NEIGHBORHOOD - Establish the use and regulations of a proposed TOD Area to be**
8 **located in the West Centerville Neighborhood. This policy is a strategy related to**
9 **implementing centers as suggested by the Wasatch Choice 2040 Plan. A future transit stop**
10 **for Frontrunner is a component for consideration as part of the proposed amendments.**
11 **Centerville City, Applicant**
12

13 Cory Snyder, Community Development Director, reported the City Council directed staff
14 to prepare amendments to initiate discussion regarding the creation of a Transit-Oriented
15 Development (TOD) area to support a future possibility of a Frontrunner Station stop in the West
16 Centerville Neighborhood. This would require the expansion of the mixed-use development
17 pattern. The City is currently in the process, with an Oversight Committee, of discussing what
18 such an expansion would look like and considering necessary revisions to the General Plan for
19 this area with a specific focus on a station stop. The Committee is working with UTA and is
20 currently looking at four (4) possible scenarios for a station stop. All information is planned to
21 go out to the public later this month. The proposed amendments call out the TOD area and
22 performance standards for development. The amendments establish a core area and a support
23 area with standards for both. The amendments promote mixed-use with commercial-medium,
24 commercial-high, and substantial residential uses to drive the need for a station stop. The
25 amendments provide flexibility but require a higher level of detail for development. Color
26 schemes, materials, and density have not yet been established. Mr. Snyder explained the
27 proposed amendments are intended to spur discussion and requested the Commission review the
28 amendments and direct any questions to staff over the next several months. The proposed
29 amendments cannot be adopted until the General Plan revisions are completed.

30
31 Vice Chair Merrill opened the public hearing.
32

33 Craig Widmier, US development, said the Legacy Crossing development team is
34 encouraged by the steps the City is taking to look at additional opportunities for development
35 and redevelopment in west Centerville. He said the Legacy Crossing project has been successful
36 with the mixed-use concept. He said the Megaplex Theater is one of the top attending theaters in
37 Utah. He said the apartments are consistently running at almost full occupancy and that the new
38 office building will likely hit 100% occupied in the near future. There is a great interest in this
39 area due to the convenient location with quick access to I-15 and the Legacy Parkway. He said
40 the expansion of the mixed-use concept will encourage redevelopment and will be a benefit to
41 the community. His only concern is that of the Parrish Lane overpass. He said the Parrish Lane
42 overpass is constantly congested and in great need of an upgrade. He hopes the City will

1 continue to press this issue with UDOT. He said his initial glance-thru of the proposed
2 amendments is encouraging but would like to offer input to staff after a closer look.

3
4 Mr. Snyder submitted a letter from Mark J. Green, President of M.C. Green & Sons, Inc.
5 dated August 13, 2014 into the public record. Mr. Snyder explained the City has no intention of
6 pushing any current businesses out of the city and said Mr. Green has also expressed interest in
7 selling his property if the right opportunity arose.

8
9 Vice Chair Merrill closed the public hearing.

10
11 Mr. Snyder said the public hearing will be reopened in the future. He encouraged the
12 public to submit any questions or suggestions regarding the amendments to the City's Planning
13 Staff. He also explained the City has had several discussions with UDOT about the Parrish Lane
14 overpass. Currently, the overpass is on UDOT's 15-year plan for redevelopment. The City will
15 continue to push for redevelopment of the Parrish Lane interchange.

16
17 Commissioner Randall made a **motion** for the Planning Commission to **table** the
18 proposed text amendments until the West Neighborhood Plan update is presented to the
19 Commission. The motion was seconded by Commissioner Johnson and passed by unanimous
20 roll-call vote (4-0).

21
22 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 23
24 1. The next Planning Commission meeting will be Wednesday, August 27, 2014.
25 2. Upcoming Agenda Items
26 • Brighton Homes, HaFoka Property, Assisted Living Center
27 • Legacy Trail Apartment Development, Preliminary Subdivision Plan
28 • Training for Commissioners
29

30 The meeting was adjourned at 9:05 p.m.

31
32 
33
34 David Hirschi, Chair

35
36 8/27/14
37 Date Approved

38
39 
40 Kathleen Streadbeck, Recording Secretary

