

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON AUGUST 22, 2018 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Jacob Smith, Centerville Management Services Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. The full packet can also be viewed on the City's website: <http://centerville.novusagenda.com/agendapublic>.

Tentative - The times shown below are tentative and are subject to change during the meeting.
Time:

7:00 PM **A. WELCOME AND ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

D. COMMISSION BUSINESS

1. TABLED - Zoning Text Amendment of 12.54, Signs

At the request of the applicant, this item has been tabled until the September 12th Planning Commission meeting.

2. Discussion of Subdivision Ordinance Updates - Chapter 2 (Definitions)

Continue discussion of proposed revisions and updates to City Subdivision Ordinance - CMC 15 (Subdivision)

3. Legislative and Administrative Decisions Training

Training on the distinction between legislative and administrative decisions and the applicable standard of review for such decisions

4. Open and Public Meetings Training

Required annual training on the Open and Public Meetings Act

5. Discussion - Main Street Table of Uses next steps

Discussion of future meetings and work sessions about proposed amendments on Main Street.

E. MINUTES REVIEW and ACCEPTANCE

August 8, 2018 Minutes

F. ADJOURNMENT

CENTERVILLE

**Staff Backup Report
8/22/2018**

Item No. 1.

Short Title: TABLED - Zoning Text Amendment of 12.54, Signs

Initiated By:

Scheduled Time:

SUBJECT

At the request of the applicant, this item has been tabled until the September 12th Planning Commission meeting.

RECOMMENDATION

BACKGROUND

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
8/22/2018**

Item No. 2.

Short Title: Discussion of Subdivision Ordinance Updates - Chapter 2 (Definitions)

Initiated By: City Attorney

Scheduled Time:

SUBJECT

Continue discussion of proposed revisions and updates to City Subdivision Ordinance - CMC 15 (Subdivision)

RECOMMENDATION

BACKGROUND

As part of the process to update and revise the City Subdivision Ordinance, a copy of the latest draft of Chapter 2 (Definitions) is attached for Planning Commission review. Chapter 2 provides various rules of interpretation and definitions for key terms used throughout the Subdivision Ordinance. Many of the definitions are provided by State law. Those definitions that are defined by State Code are highlighted in yellow.

ATTACHMENTS:

Description

- ▢ Subdivision Ordinance - Chapter 2 (Definitions)

TITLE 15 SUBDIVISIONS

CHAPTER 15.02. DEFINITIONS.

- 15.02.010. Purpose.**
- 15.02.020. Scope.**
- 15.02.030. Rules of Interpretation.**
- 15.02.040. Definitions.**
- 15.02.050. Illustrations.**

15.02.010. Purpose.

The purpose of this Chapter is to provide rules of interpretation, definitions, and illustrations so that the provisions of this Title may be readily understood and consistently administered.

15.02.020. Scope.

The rules of interpretation, definitions, and illustrations contained in this Chapter shall apply to the entirety of this Title.

15.02.030. Rules of Interpretation.

(a) General. All provisions, terms, phrases and expressions contained in this Chapter shall be liberally construed to accomplish the purposes of this Title.

(b) Conjunctions. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

(3) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(4) "And/Or" indicates that all or one or more of the connected items, conditions, provisions or events shall apply.

(c) Mandatory and Discretionary Terms. The word "shall" is always mandatory. The word "should" means the matter described ought to be accomplished if reasonable and possible under the circumstances. The word "may" is permissive.

(d) Non-Technical and Technical Words. Words and phrases shall be construed according to the common use and understanding of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(e) Tense, Number, and Gender. Words used in the past or present tense include the future as well as the past or present unless the context clearly indicates the contrary. The singular shall include the plural and the plural shall include the singular as the context and application of this Title may reasonably suggest. Words of one gender shall apply to any person, natural or fictitious, regardless of gender, as the context and application of this Title may reasonably suggest.

(f) **Fractional Numbers.** In determining compliance with the numerical requirements of this Title any computation or measurement resulting in a fractional number, except density calculations, shall be rounded to the nearest whole number. Density calculations shall be rounded to the nearest tenth of a number.

(g) **Public Officials, Bodies and Agencies.** All public officials, bodies, and agencies to which reference is made are those of Centerville City, Utah, unless otherwise indicated.

(h) **Delegation of Authority.** Whenever a provision appears requiring the City Manager, department head, or some other officer or employee to do some act or perform some duty, it shall be construed to authorize the City Manager, department head, or other officer to designate, delegate, and authorize subordinates to perform the required act or duty unless the terms of the provision or section, or other applicable law, specify otherwise.

(i) **Computation of Time.** The time within which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday, then the last day shall be the next following business day.

(j) **Amendments.** Whenever reference is made in this Title to provisions of the Centerville Municipal Code, the Utah Code, any federal law or regulations, or any section or subsection of this Title, such reference shall include any subsequent amendments or renumbering of such referenced provisions.

15.02.040. Definitions.

As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Centerville Zoning Code, the Construction Codes, or the Utah Land Use, Development and Management Act (LUDMA), shall be construed as defined therein.

Affected Entity: A county, municipality, local district, special service district established under Utah Code §§ 17D-1-101, et seq., school district, interlocal cooperation entity established under Utah Code §§ 11-13-101, et seq., specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

(a) The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) The entity has filed with the City a copy of the entity's general or long-range plan;
or

(c) The entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed under the Utah Land Use, Development and Management Act (LUDMA).

Alley: See "Alley" under the definition of "Street."

Appeal Authority: The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Arterial Street: See "Arterial" under the definition of "Street."

Block: The land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City Council.

Building: A permanent structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Capital Asset: An asset the City intends to hold and derive benefits from for a period of more than one year such as land, buildings, infrastructure, and major equipment, unless otherwise defined by the City ordinance or policy.

Capital Project: An organized undertaking which provides, or is intended to provide, the City with a capital asset.

City: The City of Centerville, Utah, a municipal corporation of the State of Utah.

City Council: The City Council of Centerville, Utah.

Collector Street: See “Collector Street” under the definition of “Street.”

Community Development Department: The department of the City responsible for the administration of the land use ordinances of the City and which oversees and regulates all building, construction, and development activities within the City.

Community Development Director: The person appointed by the City to perform the duties and responsibilities of Community Development Director, as defined by City ordinances and resolutions. The Community Development Director is the department head of the Community Development Department and is also designated as the Zoning Administrator.

Concept Plan: A sketch or concept drawing prepared prior to a preliminary plat for subdivisions to enable the subdivider to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations and to receive guidance as to the requirements for subdivisions within the City.

Condominium: The ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property created pursuant to the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-1, et seq.

Condominium Plat: A plat or plats of land and units prepared in accordance with the Utah Condominium Ownership Act, as set forth in Utah Code § 57-8-13.

Construction Codes: The construction codes and regulations adopted by the City in CMC 7.05 (Fire Regulations) and CMC 10.03 (Construction Codes). Such codes may also be referred to as building codes, fire codes or safety codes.

Cul-de-sac: See “Cul-de-sac” under the definition of “Street.”

Culinary Water Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. In Centerville, the culinary water authority is the Centerville Water Department.

Developer: An applicant for subdivision approval, an applicant for a building permit or another permit issued, or the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.

Development Activity:

(a) Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

(b) Any change in use of a building or structure that creates additional demand and need for public facilities; or

(c) Any change in the use of land that creates additional demand and need for public facilities.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property, including any use under, on the surface, or above the owner's property.

Fee Schedule: The Centerville Fee Schedule adopted by resolution of the City Council setting forth various fees charged by the City. This schedule may also be referred to as the City Fee Schedule.

Final Plat: The final drawing of a subdivision prepared for recordation in compliance with the requirements of this Title and the Utah Land Use, Development and Management Act (LUDMA), as set forth in Utah Code §§ 10-9a-101, et seq.

Fire Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services. In Centerville, the fire authority is the South Davis Metro Fire Service Area.

Flag Lot: An L-shaped lot approved by the City consisting of a staff portion contiguous with the flag portion and used for the sole purpose of developing a single-family detached structure.

Flood, 100-Year: A flood that statistically has a 1% chance of occurring any given year.

Flood, 10-Year: A flood that statistically has a 10% chance of occurring any given year.

Flood Plain: Land that:

(a) Is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) Has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event

because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

Freeway: See “Freeway” under the definition of “Street.”

General Plan: The Centerville General Plan as adopted by the City Council that sets forth general guidelines for proposed future development of land within the City.

Geologic Hazard: A surface fault rupture, shallow groundwater, liquefaction, landslide, debris flow, unstable soil, rock fall, or any other geologic condition that presents a risk to life, substantial loss of real property, or substantial damage to real property.

Half Street: See “Half Street” under the definition of “Street.”

Impact Fee: A payment of money imposed under the Utah Impact Fees Act as set forth in Utah Code §§ 11-36a-101, et seq.

Improvement Completion and Warranty Agreement: An agreement, on forms approved by the City, wherein developer agrees to install and warrant the required landscaping and infrastructure improvements for the project and to secure such installation and warranty obligations with an improvement completion assurance and warranty bond in an amount corresponding to the City Engineer's estimate.

Improvement Completion Assurance: A cash bond, letter of credit, or escrow account required by the City to guaranty and warrant the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

- (a) Recording a subdivision plat; or
- (b) Development of a commercial, industrial, mixed use, or multifamily project.

Improvement Warranty: An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

- (a) Complies with the City Standards and Specifications for design, materials, and workmanship; and
- (b) Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

Improvement Warranty Period: A period:

- (a) No later than one year after the City's acceptance of required landscaping; or
- (b) No later than one year after the City's acceptance of required infrastructure, unless the City:

(1) Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(2) Has substantial evidence, on record:

(A) Of prior poor performance by the applicant; or

(B) That the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

Infrastructure Improvement: Permanent infrastructure that an applicant must install:

(a) Pursuant to City Standards and Specifications or other published installation and inspection specifications for public improvements; and

(b) As a condition of:

(1) Recording a subdivision plat; or

(2) Development of a commercial, industrial, mixed use, condominium, or multifamily project.

Internal Lot Restriction: A platted note, platted demarcation, or platted designation that:

(a) Runs with the land; and

(b) (1) Creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(2) Designates a development condition that is enclosed within the perimeter of a lot described on the plat.

Land Use Applicant: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

Land Use Application: An application required by this Title or the Centerville Zoning Code and submitted by a land use applicant to obtain a land use decision.

Land Use Authority:

(a) The person, board, commission, or body designated by the City Council to act upon a land use application; or

(b) If the City Council has not designated a person, board, commission, or body, the City Council.

Land Use Permit: A permit issued by a land use authority.

Land Use Regulation: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land.

Local District: An entity established under Utah Code §§ 17B-1-101, et seq., and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

Lot: A contiguous and separately delineated piece of real property which is shown on a recorded final subdivision plat.

Lot, Corner:

Lot, Double Frontage: A lot or parcel abutting two parallel or approximately parallel streets.

Lot, Flag:

Lot, Interior:

Lot Line Adjustment: The relocation of a property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

Master Street Plan: That portion of the General Plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, approved by the City Council.

Mayor: The Mayor of Centerville City, Utah.

Owner: The owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the State of Utah, or any combination of any of the foregoing.

Parcel: A contiguous quantity of real property defined by metes and bounds which has a separate property identification number according to the records of the Davis County Recorder and is not shown on a recorded final subdivision plat.

Parcel Boundary Adjustment: A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

(a) No additional parcel is created; and

(b) Each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.

Parkstrip: The strip of land located within a public right-of-way between a sidewalk and curb and gutter.

Person: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Planned Development: A development designed and approved pursuant to CZC 12.41 (Planned Development Overlay) or any multiple-family dwelling project or development approved by the City in accordance with applicable design standards.

Planning Commission: The Planning Commission of Centerville City, Utah.

Plat: A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code §§ 10-9a-603, 17-23-17, or 57-8-13.

Potential Geologic Hazard Area: An area that:

(a) Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) Has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

Preliminary Plat: The initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this Title.

Protection Strip: A strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

Public Agency:

(a) The federal government;

(b) The state;

(c) A county, municipality, school district, local district, special service district, or other political subdivision of the state; or

(d) A charter school.

Public Hearing: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Improvements: Streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the City or other public or governmental entity in connection with subdivision, conditional use, or site plan approval.

Public Meeting: A meeting required to be open to the public under the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq.

Record of Survey Map: A map of a survey of land prepared in accordance with Utah Code § 17-23-17.

Sanitary Sewer Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. In Centerville, the sanitary sewer authority is the South Davis Sewer District.

Secondary Water System: Any system designed and intended to provide, transport, and store water used for watering of crops, lawns, shrubberies, flowers, and other non-culinary uses.

Sidewalk: A passageway for pedestrians, excluding motor vehicles.

Small Subdivision: A subdivision of not more than four lots which may include the use of flag lots as authorized in this Title.

Specified Public Agency: The state, a school district, or a charter school.

Specified Public Utility: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Utah Code § 54-2-1.

Standards and Specifications: The latest version of Standards and Specifications adopted by the City for construction of public improvements and other construction within a public rights-of-way. These may also be referred to as the City Standards and Specifications.

State: The state of Utah and any department, division, or agency of the state of Utah.

Street: A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way and the following:

(a) **Alley:** A public thoroughfare for the use of pedestrians and vehicles providing a secondary means of access to the rear of abutting properties.

(b) **Arterial, Major:** A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Master Street Plan as a controlled-access

highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.

(c) **Arterial, Minor:** Similar to a major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.

(d) **Collector, Major:** A street, existing or proposed, which is the main means of access to the major street system.

(e) **Collector, Minor:** A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

(f) **Cul-de-sac:** A minor terminal street provided with a turn-around.

(g) **Freeway:** A street with fully controlled access designed to link major destination points and which is designed for high speed traffic with a minimum of four travel lanes..

(h) **Half Street:** The portion of a street within a subdivision comprising one-half of the minimum required right-of-way.

(i) **Local Street:** A minor street which provides access to abutting properties and protection from through traffic.

(j) **Private Street:** A street which:

(a) Is reserved by dedication or established by use for non-public access to one or more lots or parcels.

(b) Is not owned or maintained by the City, and

(c) May or may not comply with adopted street cross section standards of the City.

Subdivider: Any person who:

(a) Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or

(b) Directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or

(c) Engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision, or

(d) Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision: Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(a) Subdivision includes:

(1) The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

(2) Except as provided in Subsection (b), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(b) Subdivision does not include:

(1) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(2) A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:

(A) No new lot is created; and

(B) The adjustment does not violate applicable land use ordinances;

(3) A recorded document, executed by the owner of record:

(A) Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

(B) Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

(4) A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

(A) No new dwelling lot or housing unit will result from the adjustment; and

(B) The adjustment will not violate any applicable land use ordinance;

(5) A bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;

(6) A parcel boundary adjustment; or

(7) The joining of a subdivided parcel of property to an unsubdivided parcel of property.

Suspect Soil: Soil that has:

(a) A high susceptibility for volumetric change, typically clay rich, having more than a three percent swell potential;

(b) Bedrock units with high shrink or swell susceptibility; or

(c) Gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Utilities: Culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, cable television and telephone transmission lines, underground conduits and junction boxes.

Unincorporated: The area outside of the incorporated area of the City.

Utah Land Use Management and Development Act: The Utah Land Use Management and Development Act (LUDMA) adopted by the State of Utah as set forth in Utah Code §§ 10-9a-101, et seq.

Water and Sewer Improvement District: Any water or sewer improvement district existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

Water Interest: Any right to the beneficial use of water, including:

(a) Each of the rights listed in Utah Code §73-1-11; and

(b) An ownership interest in the right to the beneficial use of water represented by:

- (1) A contract; or
- (2) A share in a water company, as defined in Utah Code § 73-3-3.5.

Zoning Administrator: The person appointed by the City to perform duties and responsibilities of Planning Administrator, as defined in the CZC 12.12.040.

Zoning Code: The Centerville Zoning Code as set forth in CMC 12 (Zoning).

Zoning Map: The Centerville Zoning Map adopted by the City as part of the Centerville Zoning Code that depicts land use zones, overlays, or districts.

15.02.050. Illustrations.

For the convenience of users of this Title, certain terms may be illustrated or concepts shown in a figure. If a conflict arises between an illustration or figure and a definition, the definition shall apply.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
8/22/2018**

Item No. 3.

Short Title: Legislative and Administrative Decisions Training

Initiated By: City Attorney

Scheduled Time:

SUBJECT

Training on the distinction between legislative and administrative decisions and the applicable standard of review for such decisions

RECOMMENDATION

BACKGROUND

The City Attorney will provide a brief presentation on Legislative and Administrative decisions, including a discussion of the applicable standard of review for such decisions. A copy of the proposed training presentation is attached.

ATTACHMENTS:

Description

- ▢ Legislative and Administrative Decisions Presentation

Centerville City Planning Commission

August 22, 2018

LEGISLATIVE AND ADMINISTRATIVE DECISIONS

Types of Applications and Decisions

General Plan
Enactment or
Amendment

Zoning
Ordinance
Enactment or
Amendment

Zoning Map
Amendment
(Rezone)

Subdivision
Ordinance
Enactment or
Amendment

Conditional Use
Permits

Site Plans

Subdivision
Plats

Special
Exceptions

Planning Commission Decisions

- For some applications, the Planning Commission makes the final decision
- For other applications, the Planning Commission makes a recommendation to the City Council
- In either case, Planning Commission decisions and recommendations should be supported by findings

General Standard of Review of Land Use Decisions

- Municipal land use decisions are presumed valid unless they are arbitrary, capricious or illegal
- Whether a particular land use decision is arbitrary or capricious, however, depends on whether the decision is a legislative or administrative decision

Classification of Land Use Decisions

Legislative Decision

Decisions which
establish law
and policy

Laws and
policies are
applicable
generally

Decisions made
by City Council

Administrative Decision

Decisions which
apply the laws
and policies

Applied to
factually distinct,
individual
circumstances

Decisions made
by Planning
Commission

Legislative Decisions

General Plan
Enactments
and
Amendments

Zoning
Ordinance
Enactments
and
Amendments

Zoning Map
Enactments
and
Amendments
(Rezones)

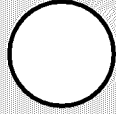
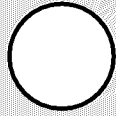
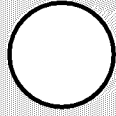
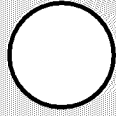
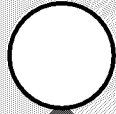
Subdivision
Ordinance
Enactments
and
Amendments

Standard of Review for Legislative Decisions

Legislative act will
be upheld if it
could promote the
general welfare or
even if it is
reasonable
debatable that it is
in the interest of
the general
welfare

Reasonably
Debatable
Standard

Public clamor and
comment may be
considered in
legislative
decision-making



City is given
greater deference
when acting in a
legislative
capacity

Legislative
decisions are
presumed valid
and upheld unless
there is no
reasonable basis
for the decision

“Reasonably Debatable Standard”

Findings for Legislative Decision

- Look to the General Plan and Zoning
- Consider existing uses and development
- Any adverse impact on adjacent property
- Transportation plan and traffic conditions
- Population and housing projections
- Orderly development of the City
- Capacity of utilities, facilities and services
- Public comment

Administrative Decisions

Conditional
Use
Permits

Site Plans

- Conceptual
- Final

Subdivision
Plats

- Conceptual
- Preliminary
- Final

Standard of Review for Administrative Decisions

That quantum
and quality of
relevant
evidence that is
adequate to
convince a
reasonable
mind to support
a conclusion

Substantial
Evidence
Standard

Cannot be
based solely on
public clamor

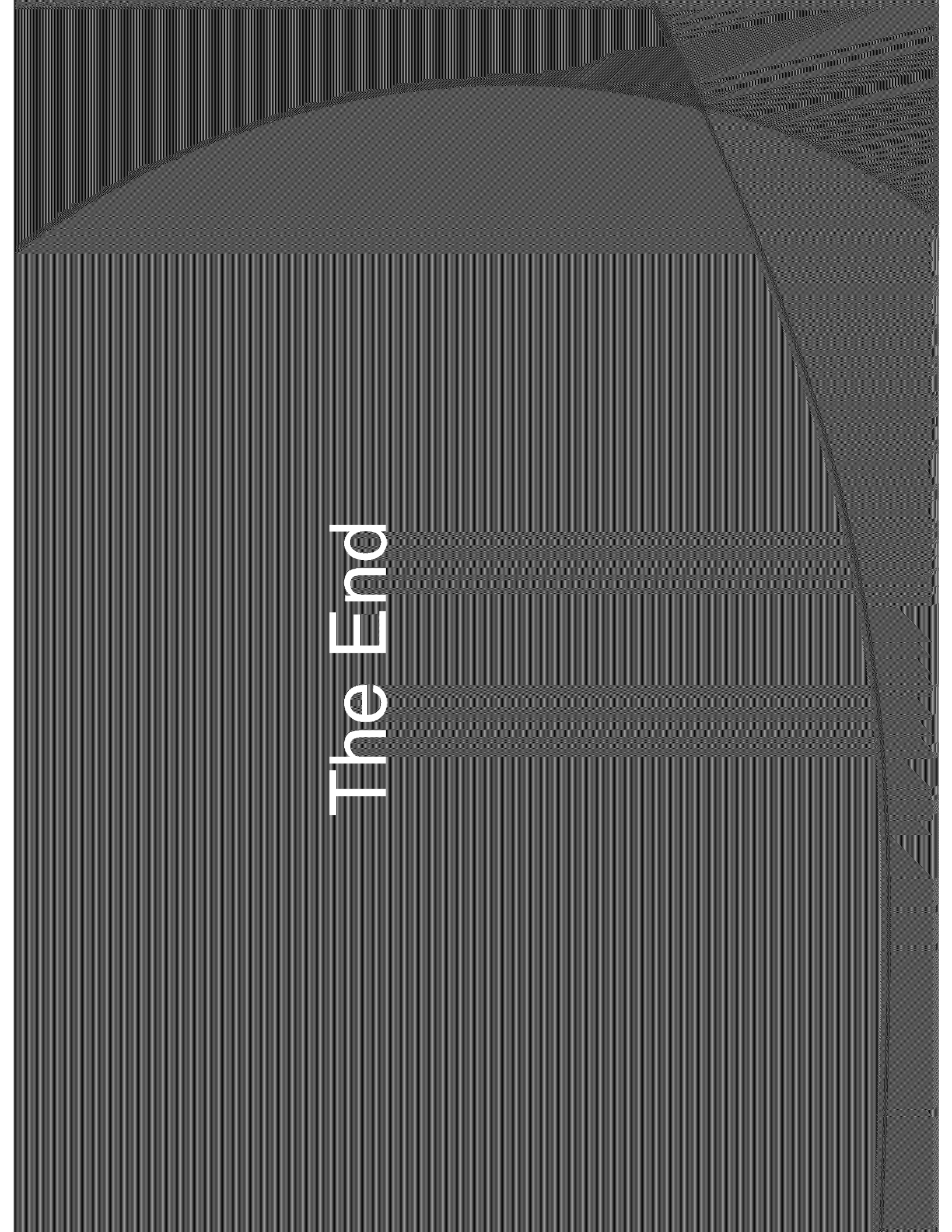
Decision must
be supported by
substantial
evidence in the
record

More than a
mere scintilla of
evidence,
though
something less
than the weight
of the evidence

“Substantial Evidence Standard”

Findings for Administrative Decisions

- Look first to Ordinance requirements
- Does application meet requirements
- What evidence is in the record
- Cannot consider public clamor



The End

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
8/22/2018**

Item No. 4.

Short Title: Open and Public Meetings Training

Initiated By: City Attorney

Scheduled Time:

SUBJECT

Required annual training on the Open and Public Meetings Act

RECOMMENDATION

BACKGROUND

The City Attorney will provide a brief presentation on the basics of the Utah Open and Public Meetings Act. This training is required by law to be provided annually. A copy of the proposed training presentation is attached.

ATTACHMENTS:

Description

- Open and Public Meetings Presentation

PLANNING COMMISSION TRAINING – AUGUST 22, 2018

OPEN AND PUBLIC MEETINGS

ANNUAL TRAINING REQUIRED

The Chair of the Planning Commission is required to ensure that the members of the Planning Commission receive annual training on the Utah Open and Public Meetings Act.

DECLARATION OF PUBLIC POLICY

The Utah Legislature has specifically declared and determined that the State and all of its entities and political subdivisions exist to aid in the conduct of the public's business.

OPEN MEETINGS

All meetings of the Planning Commission shall be open to the public unless closed by reasons allowed by law.

OPEN DELIBERATIONS

All actions and deliberations of the Planning Commission are to be conducted openly.

NOTICE

The City must provide at least 24 hours' notice of every Planning Commission meeting, including the agenda, date, time and place of the meeting.

Such public notice of meetings must be posted at City Hall, posted on the Utah Public Notice Website, and sent to at least one local newspaper or media correspondent.

AGENDAS

All matters to be discussed at a Planning Commission meeting must be described with reasonable specificity to notify the public as to the topics to be considered at the meeting.

MINUTES

The City is required to take and prepare written minutes of all Planning Commission meetings.

Minutes are required to include certain information, such as the substance of matters discussed, a record of the vote by each member, and a summary of public comments.

Minutes are the official record of action taken and are to be retained permanently.

RECORDINGS

The City is required to take and keep a recording of all Planning Commission meetings (except for site visits or traveling tour if no vote or action is taken).

The recording must be available to the public for listening within 3 business days after the meeting.

CLOSED MEETINGS

The Planning Commission can only go into a closed session for reasons specified by law.

Most reasons do not apply to Planning Commission meetings, but may include discussion of pending or reasonably imminent litigation or the purchase or sale of property.

ELECTRONIC MEETINGS

The City has adopted an electronic meetings policy which allows Planning Commissioners to call into meetings when they are out of town or unable to attend meetings in person. Certain conditions apply.

DIGITAL AGE

Planning Commission members should not send texts or emails to each other during a meeting and should avoid creating an electronic meeting through group email chats.

THE END

CENTERVILLE

Staff Backup Report 8/22/2018

Item No. 5.

Short Title: Discussion - Main Street Table of Uses next steps

Initiated By:

Scheduled Time:

SUBJECT

Discussion of future meetings ad work sessions about proposed amendments on Main Street.

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

▯ 08-22-2018 Staff Memo

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

PLANNING STAFF MEMORANDUM

DATE: AUGUST 22, 2018

TO: CENTERVILLE CITY PLANNING COMMISSION

FROM: CORY SNYDER, COMMUNITY DEVELOPMENT DIRECTOR

MEMO: MAIN STREET USE LIST – NEXT STEP RECOMMENDATIONS

BACKGROUND

At the previous Planning Commission meeting, the Commission held their first of a series of expected meetings to receive public input regarding amending the C-M Zone (i.e. Main Street) allowable “*land use*” list. It is staff’s perspective that outreach efforts to engage local business and property owners along Main Street was quite successful.

The main message received at this meeting seemed to be that allowing additional uses was a desirable outcome for Main Street. However, it seems that narrowing the list of uses was not really defined and that surrounding resident input was missing. Consequently, the matter of what uses are acceptable is still a matter of debate. This memorandum recalls the highlights matters of past discussions with the City Council and makes a recommendation of how to take additional steps begin narrowing the potential use list presented to the public at this previous meeting.

Brief Main Street Use Highlights (*Background Information of Past Discussions*)

- ✓ ** Local Ownership – 84% of the land owner interests are either local residents or Davis County residents. 77% of the land value is in Davis County ownership (over 10 million in assessed land value).*
- ✓ *The “Developed Commercial Uses” along Main Street seem to be limited in nature. Uses such as office (41% land use & 56% land value) and local retail (25% land use & 21% land value [note: retail includes the non-permitted uses of food uses]. Is this a matter of “uses allowed” or just a “local market pattern?”*
- ✓ *The City has been previously Approached About Allowing Additional Uses, such as assisted living, catering, construction sales & services, indoor entertainment (e.g. escape house). Additionally, the group has also discussed “Food Service” uses (i.e. Cup Bop). Are there missing uses or uses that could be allowed on Main Street?*

- ✓ Main Street Vision – Is the Corridor “Unique or Not!” – The City to vet out the contribution of South Main Street Corridor as a Community Asset or Sense of Place for Centerville. Previous planning efforts said “Yes!” Should this be questioned and redefined?

Suggested Next Steps:

Host Public Participation Forums – Forums are to assist with understanding the desires of potentially affected stakeholders. These forums ought to include the following:

- Property Owners - What uses do they envision in order to keep their investments viable? How do they see using their investments in the future? What constraints or opportunities are they experiencing in the market or the regulations of the City?
- Nearby Residential Neighborhoods – What services do they use on Main Street? Are any missing or wanted services? How are they being impacted now? What are they concerned about in the future?
- General Public At Large – Invite them to respond to the collected information to date (e.g. comments, forums, etc.) and share their thoughts and ideas.

Planning Commission Work Session – Commission to focus on narrowing in on the uses that are perceived as acceptable for Main Street. This narrowing would, at least, involve considering these areas of emphasis:

- Conservation of local ownership and business identity of Main Street
- Provision of desired local commercial and service needs for the community
- Enhancing the opportunity for re-development of older properties
- Consider the stakeholder input received in the forums.

Decision-Making Process Timeline Suggestion:

1. September 12th - Property Owner Forum 6:00p.m.
 - Send Notice by Mail to all C-M Property Owners from Parrish Lane to Porter Lane
 - Notice to contain questions to be asked at the forum
 - Set-up will be informal and allow property owners to dialogue with the Commission
 - Staff will record thoughts and points made and collect any information provided by the property owners
 - **GOAL:** To have property owners respond to suggested questions listed above
2. September 26th – Nearby Residential Neighborhoods Forum 6:00p.m.
 - Deliver a “courtesy flyer” to all residential homes or HOA’s within one-block (up to 200 east and down to 160 west, from Parrish Lane to Porter Lane
 - Post Same Notice on A-Frames within these areas
 - Notice to contain message to invite neighbors and the questions to be asked at the forum
 - Set-up will be informal and allow property owners to dialogue with the Commission

- *Staff will record thoughts and points made and collect any information provided by the attending residents*
 - **GOAL:** *To have nearby residents respond to suggested questions listed above*
3. October 10th – General Public At Large Forum 6:00pm
- *Deliver a “courtesy notice” to all of Centerville through the City’s Utility Billing Program*
 - *Deadline to draft notice is September 24th - Billings will be received by the Public by October 1st*
 - *Notice to website link to the collected information provided by the Forums and complied by staff to be posted by October 1st.*
 - *Set-up will be semi-formal and allow attendees to dialogue with the Commission*
 - *Staff will record thoughts and points made and collect any information provided by the attending public*
 - **GOAL:** *To have the general public respond to the gathered information*
4. October 24th – Planning Commission Work Session 5:30pm
- *Staff will provide Commission with all received comments to date*
 - **GOAL:** *Commission narrows the list of uses to consider recommending*
5. November 14th – Planning Commission Regular Meeting 7:00pm
- *Agenda Posting to contain narrowed list of potential uses*
 - *Commission hosts a “public hearing” and if ready makes a recommendation to the City Council*
 - *If needed, the December 12th Regular Commission Meeting is available*
 - **GOAL:** *Commission makes a recommendation regarding uses to be added*

CENTERVILLE

Staff Backup Report 8/22/2018

Item No.

Short Title: August 8, 2018 Minutes

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 8-8-18 PC Draft Minutes

PLANNING COMMISSION MINUTES OF MEETING**Wednesday, August 8, 2018****7:00 p.m.**

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

MEMBERS PRESENT

Cheylynn Hayman, Chair

Kevin Daly, Vice Chair

Kai Hintze

Logan Johnson

Kathy Helgesen (arrived at 7:10 p.m.)

MEMBERS ABSENT

Gina Hirst

Becki Wright

STAFF PRESENT

Cory Snyder, Community Development Director

Lisa Romney, City Attorney

Cassie Younger, Assistant Planner

Avalon Comly, Recording Secretary

STAFF ABSENT**VISITORS**

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE**OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Logan Johnson

PUBLIC HEARING – [Tabled from 7/11] Sheffield Downs Conceptual Site Plan and Zoning Map Amendment – 274 E Pages Lane

Cory Snyder, Community Development Director reviewed the Planning Commission's discussion from July 11, 2018 which led to the tabling of a decision on the Planned Development Overlay proposal to be known as Sheffield Downs by Brighton Homes. Mr. Snyder reviewed changes made by the applicant to address directives given to him by the Planning Commission in that meeting. He explained that staff has tried to detail a narrative of the conditions of the PDO to supplement the exhibits.

Chair Hayman pointed out that on the staff report on page 3, there appeared to be several areas that were not addressed by the applicant since the July 11 meeting. One of these was a concern over 3-car driveways shown on the conceptual plans. Mr. Snyder said that the narrative was written so that the driveways are only for 2-cars and the applicant would need to respond if they are planning to do 3-car driveways still. Chair Hayman asked about staff's recommendation regarding RV parking and Mr. Snyder said he did not recommend anyone be

1 allowed to park an RV outdoors on a permanent basis, though staff had not been looking at this
2 from a temporary parking standpoint. Commissioner Daly suggested a clarification regarding
3 temporary parking of an RV to make it known that this would be allowed for a specific, limited
4 period of time. Mr. Snyder mentioned that the City Ordinance allows for an RV to be parked on
5 a temporary basis for a period of 7 days, so he thinks this is a good thing to address in the PDO.
6 Chair Hayman asked if this existing 7-day period allowed per City Ordinances will already cover
7 this concern. Mr. Snyder replied that this is why it is a good thing to address, because these are
8 private drives and streets and are therefore not usually covered by municipal code parking
9 regulations. Lisa Romney, City Attorney, confirmed that municipal code parking regulations do
10 not apply to private streets, so this is why this issue should be addressed in the PDO.
11 Commissioner Daly asked that 8(d) be changed to read as follows: "*The use of outside storage
12 of Recreational Vehicles (RVs) for dwellings or in the common space areas for longer than 48
13 hours shall be prohibited.*"

14
15 Commissioner Hintze asked if the areas east and west of the plan remain commercial.
16 Mr. Snyder said that per the General Plan, the area to the west will remain commercial, but east
17 of the development there are options in the future to change zoning to residential.

18
19 Commissioner Daly noted that on the site plan there are two (2) ways in and out of the
20 development and wanted to know if the exit on the west side of the proposed development lines
21 up with 300 East across the street. Mr. Snyder said he is not exactly sure how the streets align.
22 Cheylynn Hayman asked if this is something the City Engineer would have reviewed.
23 Commissioner Daly expressed his hope that this was looked at by the City Engineer and
24 expressed that he does not think these align. He asked if the Development Review Committee
25 had an issue with these streets not aligning. Mr. Snyder said there are no conflicting left hand
26 turns, which is why it was probably not flagged as a problem. Commissioner Daly said that
27 though this is probably a low traffic area, he is worried about the safety of the offset.

28
29 Commissioner Daly asked Mr. Snyder how this development proposal compares to
30 Centerville Commons. Commissioner Daly acknowledged that one difference is that Centerville
31 Commons has public streets, instead of private. Mr. Snyder added Centerville Commons uses
32 the drainage swale as their common area. He added that in Centerville Commons there is a
33 pad, and everything else is common area; while in the Sheffield Downs proposal, each
34 individual lot is privately owned and there is no pad. Another difference is that Sheffield Downs
35 has six (6) units per acre, where Centerville Commons had 6.5 units per acre.

36
37 Commissioner Daly asked what will happen with the nail salon if it fails, and how it will
38 be incorporated into the development. Mr. Snyder said it will be difficult to incorporate. Mr.
39 Snyder said if the nail salon goes away, he doesn't see the 33 homeowners amending their
40 CC&R's to allow access to their private lands. The nail salon is on a private lot and there would
41 be an option to change zoning of that lot to Residential-Medium. However, the nail salon
42 property is less than the minimum six (6) acres required to re-develop. Ms. Romney
43 commented that the nail salon is not part of the PDO.

44
45 The applicant, Taylor Spendlove, responded to comments and questions the
46 Commissioners had. Regarding parking RV's, Brighton Homes will want to address that item in
47 the CC&R's with a 48-hour temporary parking rule. Mr. Spendlove said the HOA contracts with
48 a towing company to enforce these rules. Regarding the issue of 3-car garages, Mr. Spendlove
49 said that most of the lots only allow for a 2-car garage, but they would love to retain a 3-car
50 garage option on lots 31, 32, and 33. He said because they are wide lots, there will be as much
51 landscaping as other lots, but the extra 10-ft of lot width could be turned into a 3-car garage. In
52 regards to the nail salon, he admitted that this is an admittedly awkward situation. If the nail

salon goes away it will either stay commercial or they would have to go through a general plan change to have it rezoned residential. He confirmed that the nail salon is privately owned.

Chair Hayman asked if Mr. Spendlove had concerns with the PDO conditions that staff had added. Mr. Spendlove said he understands the conditions and finds them acceptable.

Chair Hayman opened the matter for a public hearing at 7:26 p.m.

Maureen Huffaker – Ms. Huffaker asked if residents will get towed if they have more visitors than can fit in their parking lot and there is no parking allowed on the street. Mr. Snyder replied that there are 30 visitor parking spots by the community park, or guests can park in the driveway of the home they are visiting.

Seeing that no one else wished to comment, the public hearing was closed at 7:27 p.m.

Chair Hayman expressed that she would like to amend condition 8(d) of the PDO to read as Commissioner Daly had previously suggested.

Commissioner Daly asked for an amendment to condition 6(d) to read *“These Open Space amenities shall be installed as per CZC 12.51.100 prior to the issuance of a certificate of occupancy for any dwelling.”* He also asked that condition 5(d) be amended as follows: *“The side yards areas between buildings/dwellings and any front yard area shall be NOT contain any fencing.”* Finally, he asked that Suggested Reason for Action a) be amended to read as follows: *“The Planning Commission finds that the PDO Concept Plan is in harmony with the Southeast Neighborhood Plan’s to allow future residential re-development to occur in the eastern half of the Pages Lane Commercial Area.”*

Ms. Romney pointed out that in condition 8(c) the applicant is limited to a 2-car garage, though they have said they would like 3-car garages on lots 31, 32 & 33. Mr. Snyder said that at Final Site Plan review they could consult with the City Engineer. The Commissioners expressed they would like to amend the conditions now. Chair Hayman asked for an amendment to condition 8(c) as follows: *“The project shall limit driveway and approach aprons to a minimum width needed for two-car garage parking, as deemed acceptable by the City Engineer and Public Works Director, except for lots 31, 32 and 33 which may expand to a minimum width needed for 3-car garage parking as deemed acceptable by the City Engineer and Public Works Director and conditioned upon complying with impervious surface requirements.”*

Commissioner Hayman made a **motion** for the Planning Commission to recommend approval of the Sheffield Downs PDO project, with conditions 1-9 as amended below, for Suggested Reasons for Action (a)-(c). Commissioner Helgesen seconded the motion.

Commissioner Daly commented that this proposal is far better than previous developments that have come before the Planning Commission before, but believes there will be some future challenges with surrounding retail areas.

The motion passed by majority vote (4-1) with Commissioner Daly opposing.

Conditions:

1.The PDO Approval is subject to the layout and exhibits submitted to the City on July 19, 2018 and August 01, 2018 – Consisting of PDO Exhibit A-1 through Exhibit F and Sheets C400, X900, and L101 of the Conceptual Site Plan.

2. The Sheffield Downs PDO Rezone shall be limited to the following:

- Rezone of approximately 5.6 acres to R-M/PD on the Centerville Zoning Map
- Density shall NOT Exceed Six (6) units per acre. A bonus density is NOT APPROVED for the development
- All residential development shall be limited to the construction of single-family homes.
- The commercial area, located at the northwest corner, is not part of this PDO approval. However, it must be legally subdivided in accordance with City ordinances to separate it from the portion to remain in the proposed development.

3. The PDO approved Sheffield Architectural Design Plan shall consist of the following:

- (a) All single-family dwelling design shall comply with Exhibits A-1 through A-4.
- (b) Each dwelling type depicted may the use any color or material selection of the approved materials and colors and shall be consistent approved PDO building elevation exhibits.
- (c) All building permit submittals shall provide a "building elevation plan" addressing the application and use of the approved Architectural Design Plan elements.
- (d) Any dispute that arises regarding the application and use of the Architectural Design Plan elements shall be submitted to the Centerville City Planning Commission for resolution.

4. The PDO approved Sheffield Downs Landscaping Design Plan shall consist of the following:

- (a) The project shall be landscaped in accordance with Exhibit B-1- Landscape Plan (also Sheet L101 of the Conceptual Plan) and Exhibit B-2 – Plant Types.
- (b) As part of the Park area, a detention basin may be installed and shall be deemed acceptable by the City Engineer, as part of any Final Approval by the City.
- (c) The total landscaping for the project shall meet the ordinance minimum requirement of 40%, as per CZC 12.52.070 or as otherwise allowed by the ordinance.

5. The PDO approved Sheffield Downs Fencing Design Plan shall consist of the following:

- (a) All use of fencing shall comply with Exhibit C.
- (b) The placement of fencing shall comply with Exhibit B-1(also Sheet L101 of the Conceptual Plan).
- (c) Other fencing shall be limited to the private rear yard areas from the rear lot line to the rear building line of the dwelling.
- (d) The side yards areas between buildings/dwellings and any front yard area shall ~~be~~ NOT contain any fencing.

6. The PDO approved Sheffield Downs Open Space Amenities Design Plan shall consist of the following:

- (a) The Open Space amenities shall be provided within the project as depicted on Exhibit D-1 through D-2 and on L101 of the Conceptual Site Plan
- (b) The Open Space Amenities shall, at minimum, consist of the following:
 - i. A Patio and Plant Garden Area
 - ii. A Play Structure Area
 - iii. A Detention Facility, as approved by the City
 - iv. A 10-foot Landscape Buffer along Pages Lane
 - v. The project entry feature areas accessing Pages Lane
 - vi. The Buffer area (Trees and Shrubs) along the western boundary of the development
 - vii. The Visitor Parking Buffer on the west end of the dwellings
 - viii. The decorative lighting fixtures as depicted in the Exhibits
- (c) As part of any Final Approval, the developer shall address the timing/phasing for the installation of the Open Space Amenities, as deemed acceptable by the City as part of any Phasing approval, OR
- (d) These Open Space amenities shall be installed as per CZC 12.51.100 prior to the issuance of a certificate of occupancy for any dwelling.

7. The PDO approved Sheffield Downs Buildings Setbacks shall consist of the following:

- (a) The approved setbacks for dwellings shall comply with Exhibit E, which are:
 - ✓ The Interior Lot Setbacks are:
 - Front Porch/Living Area = 15-feet
 - Front Garage = 19-feet
 - Side Yards = 5-feet
 - Rear Yard = 15-feet
 - ✓ The Perimeter Lot Setbacks are:
 - Front Porch/Living Area = 15-feet
 - Front Garage = 19-feet
 - Side Yards = 8-feet
 - Rear Yard = 20-feet

8. The PDO approved Sheffield Downs Buildings Parking, Driveway/ Approach Widths, and Recreation Vehicle (RV) Use shall consist of the following:

- (a) Each dwelling shall provide parking within an enclosed garage with a capacity of two-vehicles. Every garage shall meet the minimum size requirements of the City's Zoning Ordinance.
- (b) The project shall provide the visitor parking, as shown on the Conceptual Site Plans, and shall not be less than the 30 stalls depicted.
- (c) The project shall limit driveway and approach aprons to a minimum width needed for two-car garage parking, as deemed acceptable by the City Engineer and Public Works Director, except for lots 31, 32 and 33 which may expand to a minimum width needed for 3-car garage parking as deemed acceptable by the City Engineer and Public Works Director and conditioned upon complying with impervious surface requirements."
- (d) The use of outside storage of Recreational Vehicles (RVs) for dwellings or in the common space areas for longer than 48 hours shall be prohibited.
- (e) These restrictions shall be noted on any plan submitted for Final Approval and shall be included on the application subdivision plat and associated CC&Rs.

9. Other Matters Related to the Sheffield Downs PDO development are the following:

- (a) As part of any Final Approval, the developer shall comply with Exhibit F and provide a future access easement for potential re-development of the remaining commercial properties to the east, as per the Southeast Neighborhood Plan objectives.
- (b) The project shall remain subject to the Residential Medium (R-M) Zone standards, unless otherwise modified by this PDO Approval.
- (c) The project shall be subject to the applicable subdivision ordinance requirements, and the Planned Unit Development (PUD) platting process.
- (d) An existing commercial building "demolition plan" shall be submitted and deemed acceptable to the City prior to receiving any Final Plan approval. All demolition of building and related elements shall comply with all local, state, or federal regulations, as may be applicable.
- (e) Remaining Commercial Area Parking shall NOT be less than the current Zoning Ordinance Parking requirements and shall be addressed with any Final Plan submittal to the City.

Suggested Reasons for the Action (Findings):

- (a) The Planning Commission finds that the PDO Concept Plan is in harmony with the Southeast Neighborhood Plan's to allow future residential re-development to occur in the eastern half of the Pages Lane Commercial Area.
- (b) The Planning Commission finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080, as addressed in the applicable staff reports provided to the Commission.
- (c) The Planning Commission finds that the PDO Concept Plan, with the listed conditions, provides sufficient compliance with regards to the project's design and amenities requirement for R-M Zone Development.

PUBLIC HEARING – Zoning Text Amendment – CZC 12.36 Table of Uses in Commercial Medium Zone on Main Street

Cassie Younger, Assistant Planner, explained that the possibility of allowing additional uses to come to Main Street is being proposed. Some of these uses were previously allowed before the Table of Uses was amended, and it is proposed that they be allowed again. This public hearing is an opportunity to gather feedback from the public.

Mr. Snyder provided historical information regarding what precipitated the review of the Main Street Table of Uses, and explained again that no decisions are being made tonight, but that feedback is being gathered from the public. Mr. Snyder added that there will also be future opportunities for the public to state their opinions.

Chair Hayman clarified that the Main Street Use list would still be restricted by the fact that the area is zoned Commercial-Medium. This means that buildings are limited to 10,000 square feet and are subject to height restrictions. Chair Hayman also explained that Main Street needs to be revitalized as it is currently stagnating. She added that Parrish Lane to Porter Lane is the section of Main Street that is being reviewed.

Chair Hayman opened a public hearing at 7:50 p.m.

1 Maureen Huffaker – Ms. Huffaker said she was surprised that certain things were not
2 allowed already on Main Street. She said she doesn't mind a mortuary on Main Street. She
3 said she doesn't want a car wash, or hotel on Main Street. She also does not want any more
4 fast food restaurants, or a TRAX stop.

5
6 Kyle Shupe – Mr. Shupe applauded the Planning Commission for reviewing the Main
7 Street Table of Uses. In talking with business owners who want to come in to Main Street, he
8 agreed the current use restrictions are causing Main Street to stagnate. He said things are too
9 restrictive and the expense of dealing with revising the overlay has been impossible. He
10 expressed appreciation that everyone is being heard out so Main Street can be developed in a
11 way that is pleasing to the community. He said he doesn't want so many restrictions and Main
12 Street uses should be opened up so people can come with conceptual plans to be approved or
13 not.

14
15 Nate Hatch – Mr. Hatch said he is the owner of CupBop. He expressed that CupBop is
16 happy to be part of the community even as it is now. What he wanted to comment on is his
17 experience thus far in Centerville. He said a lot of people come and see CupBop wanting to
18 know where they can get CupBop to eat. Mr. Hatch said he has to refer them to Instagram and
19 tell them they can get CupBop anywhere but in the parking lot. He said people are really
20 confused about why people can't be served food from CupBop when there are other restaurants
21 on Main Street and the building was a restaurant in the past. He said he feels bad just having
22 blank white signs up outside of his building, but feels if he put up a sign there would be people
23 coming up all the time. What he said he would love to have happen is that as part of a
24 conditional use permit walk-up restaurants would be allowed so that parking would not be a
25 problem.

26
27 Shane Shupe – Mr. Shupe recapped that what happened on their specific need was that
28 the Planning Commission came up with Construction Sales and Service Limited. Mr. Shupe
29 expressed that he felt this was great as it addressed the concern with a lot of vehicles or
30 equipment that people have about allowing construction sales and services on Main Street. He
31 suggested introducing a "Limited" designation into the list of Uses which might allow certain
32 businesses to be added to Table of Uses without the concern about excess parking
33 requirements.

34
35 Allan Arbuckle – Mr. Arbuckle expressed that he feels the purpose of Main Street is to
36 create cash flow for the City from sales tax. He wanted to look at the use list from the
37 perspective of what will help Centerville to generate revenue. He said he is shocked that gas
38 stations and restaurants are not approved uses on Main Street. He strongly suggested those
39 uses be added. He also expressed that he feels restricting contractors in a commercial zone is
40 unreasonable.

41
42 Seeing that no one else wished to speak, Chair Hayman closed the public hearing at
43 8:02 p.m. Subsequently, some visitors wished to make comments. Commissioner Daly made a
44 **motion** to reopen the public hearing. Chair Hayman seconded the motion which passed by
45 unanimous vote (5-0).

46
47 Ann Fidel – Ms. Fidel said the small piece of land from Parrish Lane to Porter Lane is so
48 small, she doesn't understand why the Table of Uses can't just be fluid and people could bring
49 in conceptual plans for anything they wish to be reviewed and approved or denied on a case-by-
50 case basis by the Planning Commission.

51
52 Ken Samuelson – Mr. Samuelson agreed with Ms. Fidel's comments, and wonders why
53 things can't be reviewed on an as-needed with Main Street opened up for all potential uses. He

1 feels like if a lot of restrictions are placed on things now, dead space is created in the future. He
2 did add that this is a busy street and there is a lot of traffic, so whatever goes in should minimize
3 the impact on the traffic if possible. He also joked that he believes a cemetery or mortuary
4 should go on Main Street, so they could be in the “dead” center of town.

5
6 Gary O’Brien – Mr. O’Brien said he feels very excited that they are open to helping out
7 property owners and they are on the right track to be more supportive. He would like to do
8 something with the property in front of his glass shop, and thinks it would be great for the
9 Planning Commission to come up with opportunities for it to be further developed to be more
10 appropriate for Main Street.

11
12 Seeing that no one else wished to comment, the public hearing was closed at 8:06 p.m.

13
14 Mr. Snyder commented that over 86% of the business owners on Main Street are
15 Centerville and Davis County residents. He said this makes Main Street in Centerville unique.
16 He says he has seen the struggle since 2004 on Main Street between business owners and
17 surrounding residential owners. He expressed that Main Street before the Main Street Plan was
18 damaging to resident’s quality of life and said there is no an easy answer to this issue. He
19 further advised the Commissioners that Main Street resident’s needs and tolerance levels
20 should be considered as well.

21
22 Chair Hayman thanked visitors for coming and explained again that their feedback is
23 very valuable. She also invited everyone to provide feedback online.

24
25 Commissioner Daly made a comment that in 2008 the Main Street Plan restricted Main
26 Street Uses through form-based zoning. Commissioner Daly feels that the changes being
27 proposed are a good way to pull back from these restrictions in a measured way. He agreed
28 with the idea of allowing additional uses as “conditional uses” so that the Planning Commission
29 would have final review and could be measured and careful about what comes to Main Street.

30
31 **DISCUSSION OF SUBDIVISION ORDINANCE UPDATES – CHAPTER 1 (GENERAL**
32 **PROVISIONS)**

33
34 Ms. Romney reminded the Commissioners that 2 years ago a consultant was hired to
35 rewrite the City Subdivision Ordinance but this process was not completed as there were some
36 issues that needed to be addressed by staff. As part of the goals for this year, staff is reviewing
37 this City Subdivision Ordinance again.

38
39 Ms. Romney reviewed the revised Table of Contents (which has been reorganized).

40
41 Commissioner Johnson said he appreciates that Chapter 9 was reserved for Flag Lots.

42
43 Chair Hayman noted that there are added periods in the titles of 15.4.103, 15.14.090,
44 and 15.17.030.

45
46 Commissioner Daly asked if chapters described as “New” are new concepts, or just new
47 sections. Ms. Romney responded that it is not because they are new concepts, but because the
48 items haven’t previously had a separate section unto themselves.

49
50 Ms. Romney reviewed Title 15 Subdivisions changes.

51
52 Chair Hayman pointed out that “Utah Code” should not be italicized in section 15.01.020.
53 Chair Hayman also asked that in section 15.01.050 the word “may” be replaced by the word

1 “are”. Chair Hayman also expressed appreciation that future inhabitants are referenced in
2 section 15.01.080 (a).

3
4 Commissioner Daly asked what property is “expressly exempted” in section 15.01.040.
5 Mr. Snyder and Ms. Romney responded that State and Federally-owned property are exempted
6 from local regulations. Commissioner Daly asked if County property is still subject to local
7 regulations, and Ms. Romney replied that it is.

8
9 **DISCUSSION – WORK SESSION WITH TRAILS COMMITTEE**

10
11 Ms. Younger said it is looking that the Work Session with the Trails Committee will need
12 to be held in September. Ms. Younger asked what should be put on the agenda for the Work
13 Session.

14
15 Chair Hayman said she wants to discuss with the Trails Committee any particular areas
16 they are concerned about or areas where they think the Planning Commission should be
17 targeting in order to help them. Commissioner Daly and Commissioner Johnson agreed.

18
19 Ms. Younger said she will provide Wednesday and Thursday night options for
20 September.

21
22 **CITY COUNCIL REPORT**

23
24 Mr. Snyder reported on recent decisions made by the City Council.

25
26 **COMMUNITY DEVELOPMENT DIRECTORS REPORT**

27
28 Mr. Snyder and Ms. Younger discussed the agenda for the upcoming Planning
29 Commission meeting. Chair Hayman asked that some proactive planning items or training be
30 added to the agenda, as it is currently light.

31
32 **MINUTES REVIEW AND ACCEPTANCE**

33
34 The minutes of the July 25, 2018 meeting were reviewed and amendments suggested.
35 Commissioner Johnson made a **motion** to accept as amended. Commissioner Helgesen
36 seconded the motion which passed by unanimous vote (5-0).

37
38 **ADJOURNMENT**

39
40 At 8:44 p.m. Chair Hayman made a **motion** to adjourn. Commissioner Daly seconded
41 the motion which passed unanimously (5-0).

42
43
44
45
46 _____
47 Cheylynn Hayman, Chair

_____ Date Approved

48
49
50
51 _____
Avalon Comly, Recording Secretary