

1 **PLANNING COMMISSION MINUTES OF MEETING**
2 **Wednesday, August 26, 2020**
3 **7:00 p.m.**
4

5 A quorum being present electronically via Zoom and live streamed on the Centerville
6 City YouTube channel due to Infectious Disease COVID-19, the meeting of the Centerville City
7 Planning Commission was called to order at 7:00 p.m.
8

9 **MEMBERS PRESENT**

10 Kevin Daly, Vice Chair
11 Cheylynn Hayman, Chair
12 Mason Kjar
13 Spencer Summerhays
14 Christina Wilcox
15 Becki Wright
16

17 **STAFF PRESENT**

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

23 **VISITORS**

24 Lolo Tenifa, Tom Stuart Construction
25 Ken Stuart, Tom Stuart Construction
26 Eric DeFries
27 Grady Brimley
28

29 **DETERMINATION**

30
31 Chair Hayman read aloud the following determination dated August 26, 2020:
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33 In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I
34 have determined that conducting an electronic meeting of the Planning Commission with
35 an anchor location presents a substantial risk to the health and safety of those who may
36 be present at the anchor location. This determination is based on the facts and
37 circumstances surrounding the COVID-19 pandemic. Considering the continued number
38 of COVID-19 case counts in Utah, meeting in an anchor location presents substantial
39 risk to the health and safety of those in attendance because physical distancing
40 measures may be difficult to maintain in City Hall.
41

42 **PLEDGE OF ALLEGIANCE**

43
44 **OPENING COMMENTS/LEGISLATIVE PRAYER** Commissioner Summerhays
45

46 **PUBLIC HEARING – PARRISH CREEK PDO REZONE AMENDMENT – 1050 N 950 W**
47

48 The proposed Parrish Creek PDO Rezone Amendment for property located at 1050 N
49 950 W was previously tabled by the Planning Commission with request for additional
50 information. Mackenzie Wood, Assistant Planner, explained the proposed elimination of the
51 pedestrian pathway along the canal on the south property line, suggesting there may be better
52 uses for amenity funds along 1250 West than a canal path that would not connect with other
53 pathway systems in the area, and explained the proposed redesign of the public sidewalk within
54 the cul-de-sac radius.
55

1 Cory Snyder, Community Development Director, commented that the PDO required a
2 wide right-of-way for emergency vehicle access, resulting in a boulevard-type appearance. The
3 PDO included the goal of alternative transportation pathways and connectivity. Mr. Snyder
4 explained that the neighboring property owner was not interested in participating in pathway
5 access along the canal (private property).
6

7 Responding to a question from Commissioner Kjar, Lolo Tenifa with Tom Stuart
8 Construction said the picnic table area was designed to fit in with the shore land appearance of
9 the rest of the development. Ken Stuart with Tom Stuart Construction said they had wanted to
10 embellish more with landscaping around the buildings, but were told they could not. He
11 emphasized they would like to do more landscaping on the property. Mr. Snyder commented
12 that the developer had leeway to be more formal with landscaping south of the wetlands area,
13 with requirement to maintain more of a shore land environment north of the cul-de-sac.
14 Commissioner Kjar suggested addition of a pergola to the picnic area.
15

16 Chair Hayman opened a public hearing at 7:32 p.m., and closed the public hearing
17 seeing that no one wished to comment. Commissioner Wright said she was not in favor of the
18 proposed amendment, adding that she did not feel it represented an even exchange for the City
19 considering the incomplete sidewalk system. Commissioner Kjar said he would prefer to retain
20 connectivity, but said he believed the proposal was sufficient given the constraints involved.
21 Commissioner Wright said she did not think the development met the potential for the property.
22

23 Responding to a question from Commissioner Summerhays, Mr. Snyder explained that
24 the City Engineer reported the proposed plan was reviewed and approved by the Army Corps of
25 Engineers. Commissioner Daly said he believed the canal pathway should perhaps not have
26 been required to begin with.
27

28 Commissioner Kjar **moved** to recommend approval of the PDO Amendment for the
29 property located at approximately 1030 N 950 W, with the following conditions and reasons for
30 the action. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).
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32 Conditions:
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- 34 1. The developer shall enter into an agreement with the Centerville Redevelopment
35 Agency on how to use the tax increment to replace the originally slated canal
36 pathway connecting to 1250 West.
- 37 2. The developer shall construct the sidewalk system around the cul-de-sac, as per the
38 submitted drawings consisting of a back-of-curb sidewalk along the west side and
39 installing a cross walk from the east to the west side.
- 40 3. The developer shall construct the picnic area as per the submitted drawings with the
41 amendment that a shade structure (e.g., an awning or pergola) be situated either on
42 the picnic area or very close thereto, with some improved landscaping features
43 around the picnic area to be approved by Staff.
- 44 4. The developer shall amend the subdivision construction documents to be deemed
45 acceptable by the City Engineer.
- 46 5. The subdivision owners' association shall be responsible for maintaining all
47 landscaping and sidewalks per the site plan approval, or as otherwise amended by
48 the City.
49

50 Reasons for the Action:
51

- 52 a) The Planning Commission finds that the Planned Development Overlay (PDO) Zone
53 allows industrial projects to be developed in a manner that allows design flexibility,
54 integration of mutually compatible uses, integration of open spaces, clustering of

dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations.

- b) The Planning Commission finds that the original PDO Narrative Argument justifying the request for the PDO was as follows:

"The landscape plan will also identify walkways for foot traffic allowing access throughout the project and the wetlands to provide a walker friendly amenity for the use of those who occupy the buildings."

- c) The Planning Commission reaffirms the following original PDO findings:

Finding (b) – The [City] finds that the proposed request for the PDO Zone reflecting the proposed layout, integration of the wetlands and the built environment, and related amenities and architectural theme creates a viable and vibrant business park area, as originally envisioned in Goal #1 of the West Centerville Neighborhood Plan for enhancing the North Business Park area.

Finding (e) – The [City] finds that the general building and parking lot layout, the proposed uses, and integration of wetlands and landscaping can or will meet the intent of the general provisions of the PDO Zone and will be subject to further site and subdivision approvals to ensure compatibility of the I-H and PDO Zoning Ordinance provisions.

PUBLIC HEARING – GRAZIE REZONE FROM A-L TO R-L

Mr. Snyder explained the request to rezone property located at 1441 North Main Street from Agricultural Low (A-L) to Residential Low (R-L). A single-family home currently stands on the property, and the applicant expressed desire to eventually subdivide the parcel to allow development of another single-family home. He said the subject property was an isolated patch of A-L surrounded by single-family development. Mr. Snyder stated Staff recommended approval of the requested rezone.

Responding to a question from Commissioner Daly, Mr. Snyder said he did not know how the curb cuts would be adjusted by UDOT. Commissioner Daly said he would want to make sure the applicant was aware of potential barriers to further development related to curb cuts. Eric DeFries and Grady Brimley, applicants, said they were aware of potential conflicts with UDOT related to curb cuts. Mr. DeFries said the intention was to split the lot to the south of the existing home.

Chair Hayman opened a public hearing at 8:05 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Daly **moved** to recommend approval of the Zone Map Amendment for the property located at 1441 North Main Street, known as Parcel 02-015-0002, from A-L to R-L, with the following reasons for the action. Commissioner Wright seconded the motion, which passed by unanimous vote (6-0).

Reasons for the Action:

- a) The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning Neighborhood 4 [CMC 12-480-5].
- b) The proposed amendment is deemed consistent or adequate with the review requirements listed in CZC 12.21.080(e), as reviewed in the applicable Staff Report.

PUBLIC HEARING – ZONING TEXT AMENDMENT FOR RESIDENTIAL BUFFERING

Mr. Snyder stated that in response to comments related to a proposed multi-family development project in Centerville, the City Council directed the Planning Commission and Staff to review and recommend potential buffering standards between types of Residential Zone Districts. He said Staff prepared edits to CZC 12.51 – Landscaping and Screening with regards to the desired Buffering Standards by adding a subsection listing the proposed buffer depths for types of residential development. The edits also include a change to the “commercial medium depth” for consistency.

CZC 12.51.070 Landscaping Requirements

(b) Buffer Landscaping between Residential and Non-Residential Development or a differing Residential Intensity District. Landscaped buffers shall be required along side and rear property boundaries which abut a residential zone or are adjacent to a differing lower intensity residential zoning district.

1. Commercial Minimum buffer depth shall be as follows:
 1. In medium intensity (M) zones: 20 feet; and
 2. In high intensity (H) and very high intensity (VH) zones: 30 feet.
2. Residential Minimum buffer depth shall be as follows:
 1. In medium intensity (M) zones: 20 feet; and
 2. In high intensity (H) zones: 30 feet.

Mr. Snyder explained that the only commercial medium area in the City was along Main Street. He said the additional depth may increase the burden on commercial redevelopment for some of the properties. He commented that increased buffering requirements may increase the cost of a development by reducing space available for housing units and possibly increasing landscaping costs, potentially limiting the possibility for “affordable housing”.

Commissioner Summerhays commented that building height was an element to consider when addressing buffering, in addition to the horizontal setbacks. Mr. Snyder responded that the code included screening wall/fence and tree requirements within the horizontal buffer. Commissioner Summerhays referred to an accessory building on property neighboring his residential property, and expressed the opinion that building height should be included in the buffering discussion.

Chair Hayman opened a public hearing at 8:22 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Summerhays asked if it would be possible to draw a line at a 45° angle from a property line to the highest possible building height. Commissioners Daly and Wright responded that the Planning Commission previously made that recommendation to the City Council, and the Council rejected the recommendation. Mr. Snyder clarified that the 45° schematic was rejected by both the Planning Commission and the City Council. Commissioner Summerhays said he would not want any residential property owner in the City to have to experience what he has experienced with the intrusive neighboring accessory building. Mr. Snyder pointed out that buildings, accessory or primary, would not be allowed within the proposed buffer depths. He clarified the difference between the terms “buffer” and “setback”.

Chair Hayman commented that the goal of buffering was to transition between zones of different intensities. She said she felt more strongly about buffering between neighboring R-L and R-H than neighboring R-L and R-M. Commissioner Wright responded that the Planning Commission had seen some tension and feedback from the public even with R-L next to R-M.

Chair Hayman suggested differentiating with a smaller buffer requirement between R-L and R-M than between R-L and R-H. Commissioner Wright agreed with the suggestion.

Responding to a question from Commissioner Daly, Mr. Snyder explained that nonconforming properties have the option to appeal to the Board of Adjustments to be able to expand along nonconforming setbacks.

Considering the 20-foot setback requirement for R-L Zones, Commissioner Summerhays suggested increasing the proposed residential minimum buffer depth for R-M from 20 feet to 25 feet. For Commercial Zones, he suggested minimum buffer depths of 25 feet for C-M and 30 feet for C-H and C-VH, or a 45° line from the property line to the highest point allowed for a structure, whichever was less. The Planning Commission and Staff discussed vertical elements and buffer depths.

Chair Hayman said she would be comfortable applying the proposed amendments to neighboring residential zones with more than one degree of separation (R-L next to R-H), but said she was not sure the proposed level of buffering was needed for R-L next to R-M. She said she would prefer leaving the minimum buffering requirement for R-M at 20 feet. Commissioner Wright suggested it may make sense to only apply the buffering requirements in certain areas of the City, since very few situations are one-size-fits-all.

Commissioner Daly said he believed the issue was driven by sightline issues, with the potential of one property looking into the backyard of another residential property. Chair Hayman responded that the sightline issue could occur with R-L neighboring R-L. She emphasized that regardless of the regulations put in place there would always be a situation where someone was dissatisfied. Mr. Snyder said that, in his opinion, the number of units on a property with visual access to a neighboring backyard (multi-family development neighboring single-family development) was a driving factor.

Mr. Snyder explained that the minimum buffer requirement would apply to all parts of a structure, including decks and balconies. Commissioner Kjar said he did not believe the proposed language was ready, but said he was not sure any changes they would make would be any better since any change to solve a problem would most likely create another problem. He suggested a solution would likely be complicated. Commissioner Summerhays said he believed the 45° angle and the 20'/25'/30' minimums he suggested were simple and uncomplicated.

Commissioner Wright commented that the intention of the Planning Commission was to put good planning in place, which may mean a more complicated code with different requirements for different areas of the City. Mr. Snyder pointed out that the City had not embraced additional density for future growth. Commissioner Kjar agreed with Mr. Snyder, and commented that a simpler, easy-to-apply code may work, as long as an "escape hatch" was in place for the City. Mr. Snyder suggested Staff draft changes based on the discussion to bring back for further dialogue.

COMMUNITY DEVELOPMENT DIRECTOR REPORT AND COUNCIL UPDATE

The Planning Commission was scheduled to meet next on September 9, 2020.

Ms. Romney informed the Commissioners that an email address would be provided to each of them by the City to use for all City business. She said it had been suggested that a link be added to the City website to allow citizens to submit comments to the Planning Commission. Ms. Romney said she would encourage the Commissioners to read the comments, but would caution them against responding or engaging in an "electronic meeting". She suggested setting

up an automatic response to any comments submitted through the website link acknowledging receipt of the communication to preserve due process. Chair Hayman added that any automatic response should clearly communicate that Planning Commissioners were advised not to respond outside of public meeting. Commissioner Daly suggested the comment form associated with the website link include all appropriate disclaimers. He added that response to any comments received by individual Commissioners at their City email address would be the Commissioner's responsibility.

Commissioner Kjar said he did not believe a link on the City website for submitting comments to the Planning Commission was a smart idea in terms of cost benefit because the Planning Commission derived authority directly from the elected officials, and the Planning Commission did not represent the public. He expressed concern that the proposed communication link on the website would veer the Planning Commission away from what LUDMA authorized them to do. Planning Commissioners and Staff agreed with concerns expressed by Commissioner Kjar.

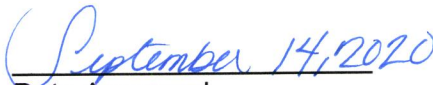
MINUTES REVIEW AND ACCEPTANCE

The minutes of the August 12, 2020 Planning Commission meeting were reviewed. Commissioner Wright **moved** to accept the minutes. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 9:45 p.m., Chair Hayman **moved** to adjourn the meeting. Commissioner Wilcox seconded the motion, which passed by unanimous vote (6-0).


Leah Romero, City Recorder


Date Approved


Katie Rust, Recording Secretary

