

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, September 23, 2020
7:00 p.m.

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

MEMBERS PRESENT

Kevin Daly, Vice Chair
Cheylynn Hayman, Chair
Mason Kjar
Spencer Summerhays
Christina Wilcox
Becki Wright

STAFF PRESENT

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

VISITORS

Russell Wilson, Symphony Homes
Bruce Robinson, Symphony Homes
Kevin Anderson, Symphony Homes
Darlene Carter, Wright Development
Justin Manning, Extreme Auto Service

DETERMINATION

Chair Hayman read a determination regarding electronic meetings without an anchor location due to COVID-19

PLEDGE OF ALLEGIANCE

OPENING COMMENTS/LEGISLATIVE PRAYER Commissioner Wright

PUBLIC HEARING – SUMMERHILL LANE SUBDIVISION – ZONING MAP AMENDMENT AND PDO CONCEPTUAL PLAN

Cory Snyder, Community Development Director, explained that the applicant applied for a Residential-Low/Planned Development Overlay (PDO) Zone for parcels, in majority owned by the applicant, adjacent to the north terminus of 400 West and roughly from Main Street to Frontage Road (17.24 acres with 66 proposed lots). The PDO required a Conceptual Plan to be approved in conjunction with the rezone request. The Planning Commission previously reviewed this proposal on July 8, 2020 and tabled for further information. Since that review, several changes were made to the proposed development plan, including acquisition of a small portion of land owned by the Davis County School District, and a request for setback adjustments. Mr. Snyder explained that in exchange for the setback adjustments, the applicant proposed building out the drainage infrastructure for the entire project in one phase. Mr. Snyder spoke of drainage and water issues inherent to the area and stated the applicant would be required to meet all City drainage requirements. He emphasized that the applicant did not request a density bonus.

Responding to a question from Commissioner Summerhays, Mr. Snyder stated 400 West was included on the City Streets Master Plan, and the applicant would be required to provide a connection from 400 West to the subject property to the north. A through connection

1 from Main Street to Frontage Road at the subject location was not included on the Streets
2 Master Plan.

3
4 Russell Wilson with Symphony Homes showed the location of additional land acquired
5 from Davis School District. The school district would be responsible for whether or not a
6 pedestrian connection from the development to school property would be allowed. Mr. Wilson
7 explained plans for storm water detention, drainage connections on each lot, and common area
8 within the development. Irrigation needs would be met by Weber Basin Water Conservancy
9 District. He showed the extension of 400 West through the subject property, and a possible
10 configuration of future development of the Cutler property to the north to demonstrate the
11 continued extension of 400 West.

12
13 Referring to a strip of land adjacent to the north of the subject property (Packer
14 property), Kevin Anderson, attorney for Symphony Homes, stated that the Packers did not have
15 a prescriptive easement or a deeded right of way across the Symphony Homes property. He
16 expressed the desire of Symphony Homes to be a good neighbor and work with Mr. Packer to
17 provide reasonable access to the Packer property, possibly between two of the proposed lots.

18
19 Chair Hayman opened a public hearing at 7:47 p.m.

20
21 Cindi Garlick – Ms. Garlick said her property abutted an existing development with
22 inadequate drainage, and asked what the applicant planned to do to ensure the proposed
23 drainage system was adequate and used correctly. She pointed out that most of the
24 developments along Frontage Road had direct access to Frontage Road. She commented on
25 the small size of the proposed lots along Frontage Road, and suggested the lot sizes should be
26 similar to those in the neighboring Lexington Park subdivision.

27
28 Spence Packer – Mr. Packer stated there was unquestioned right-of-way from Main
29 Street to the west parcel of the Devore property by the Frontage Road, attached to all parcels
30 along the right-of-way. He said he respectfully disagreed with the assessment of Mr. Anderson,
31 said he opposed the development as proposed, and suggested the legal matter should be
32 resolved before the development process was allowed to continue.

33
34 Chris Cutler – Mr. Cutler, owner of property adjacent to the subject property to the north,
35 said he did not appreciate Symphony Homes showing a possible future development plan for
36 his property because it implied that he was associated with Symphony Homes. He said he was
37 in favor of requiring resolution of the right-of-way matter before the process was allowed to
38 move forward.

39
40 Rebecca Greer – Ms. Greer said her property was adjacent to the subject property on
41 the south, and said she and her neighbors purchased their properties because of the existing
42 zoning. She said it was concerning to her that big developers were able to come in and change
43 what was set up for the City. She expressed concern with the volume of traffic the proposed
44 units would bring, and the added students it would bring to the schools. She stated the
45 proposed setbacks did not mirror the neighboring development, and said she did not believe the
46 proposed lack of direct access to Frontage Road was a good idea.

47
48 Brett Booth – Mr. Booth said he lived on property south of the subject property. He
49 expressed concern for the safety of children playing in the neighborhood with the proposed lack
50 of access to Frontage Road.

51
52 Ben Seelos – Mr. Seelos said his property abutted the subject property on 400 West. He
53 expressed concern with the high level of traffic on 400 West that would continue to be a problem
54 with 400 West continuing as a dead-end. He agreed with the request for Frontage Road access.

1 Mr. Seelos asked when the traffic study was performed, and questioned the validity of a traffic
2 study performed during the pandemic.

3
4 Lisa Fowers – Ms. Fowers said her property was on the east side of 400 West adjacent
5 to the subject property. She said she agreed with the comments of Mr. Seelos. Ms. Fowers
6 stated that Mr. Packer had been a good neighbor for many years, and encouraged those
7 involved to work with him to find a beneficial resolution. She agreed with the need for direct
8 access onto Frontage Road.

9
10 Heather Healy – Ms. Healy said the proposed traffic flow would funnel traffic directly to
11 her property, and said she was very worried about the increased traffic from the proposed
12 subdivision. She expressed concern about the small lot sizes, and agreed that the lots should
13 mirror lot sizes in the neighboring subdivision.

14
15 Brendon Allen – Mr. Allen expressed concern regarding proposed lot sizes and
16 proposed setback adjustments, and said he did not believe Symphony Homes had put forth a
17 good faith effort to resolve the right-of-way issue with Mr. Packer. Mr. Allen said he agreed with
18 the concerns expressed by Mr. Seelos, and said he agreed with the need for direct access to
19 Frontage Road.

20
21 Chair Hayman closed the public hearing at 8:10 p.m. Mr. Wilson explained drainage
22 plans for the subdivision, and expressed confidence that all storm water could be held within the
23 planned detention basins. Bruce Robinson with Symphony Homes stated that all property
24 owners within the development would have to agree at time of purchase to maintain the rear-
25 yard drains installed on each lot, with penalties for enforcement. Mr. Robinson extended
26 apologies to the Cutlers, emphasized that the possible future configuration of the Cutler property
27 shown was for demonstration purposes only, and stated that the Cutlers were not associated
28 with Symphony Homes. He clarified that the traffic study was performed in 2019, prior to the
29 pandemic outbreak. Symphony Homes intentionally did not include direct access to Frontage
30 Road to discourage traffic from entering the neighborhood. Referring to the proposed lot sizes
31 on the west side of the development, Mr. Robinson commented that market conditions had
32 changed since the Lexington Park subdivision was built, and many people were not wanting
33 larger yards.

34
35 Commissioner Wright expressed the opinion that not providing direct access to Frontage
36 Road for the proposed development would result in increased traffic on existing roads that
37 provided access. Mr. Robinson responded that the traffic study showed the impact on traffic
38 would be negligible with the three access points to the development provided on the plan.

39
40 Commissioner Kjar acknowledged that Symphony Homes did not have an obligation to
41 Mr. Packer, but stated he did not believe moving forward with the proposal as presented would
42 protect and promote urban development in an orderly fashion with the Packer parcel left as it
43 would be. He predicted that the Cutler property would eventually develop in some way, and said
44 he anticipated that allowing the Packer parcel to become completely isolated would create a
45 future problem for the City. Mr. Robinson emphasized that Symphony Homes proposed options
46 to Mr. Packer to provide access to the property, but Mr. Packer indicated he was not interested
47 in pursuing the options provided. Mr. Robinson stressed that Symphony Homes put a lot of time
48 and effort into trying to accommodate the future developability of the Packer parcel.

49
50 Mr. Snyder stated he did not believe it was the City's role to take a stance on the private
51 property access dispute. He commented that Mr. Packer had the right to choose to preserve
52 agricultural use on his parcel, and said he did not believe the City should force other property
53 owners to accommodate the possible future change in use of Mr. Packer's property. He pointed
54 out that Mr. Packer could negotiate with the Cutlers for access to 400 West.

1 Commissioner Daly said the policy of using a gross density calculation felt disingenuous
2 to him, and commented that the west portion of the development would feel like eight units per
3 acre. He said he was inclined to vote against the application because the units did not feel
4 congruous with the rest of the area. He said he did not want a repeat of the Woods Park
5 development. Mr. Snyder pointed out that the policy was part of City Code, and stated that the
6 proposed lot sizes would be possible with R-L zoning without a PDO. Responding to a question
7 from Commissioner Summerhays, Mr. Snyder confirmed that both 400 West and 2150 North
8 were included as collector roads in the Master Plan. He stated that an additional access onto
9 Frontage Road near 2150 North would compromise 2150 North as a collector road, and
10 emphasized that the City had a policy to limit the number of accesses to Frontage Road.
11 Commissioner Summerhays suggested adding a local connection to Frontage Road at the
12 southwest corner of the subject property to ease some of the traffic burden in the area.
13

14 Commissioner Kjar stated he was generally comfortable with the application, with
15 concern regarding the Packer property. He said he believed Symphony Homes' offer to Mr.
16 Packer was commendable, and observed that the parcel would remain a situation the City
17 would have to deal with at some point in the future. He said he agreed with Staff that to reject
18 the application based on density would be to reject the City's established policy. Commissioner
19 Wright said she believed not taking a position on the Packer right-of-way issue and moving the
20 application forward would be equivalent to taking a position.
21

22 Commissioner Daly said he did not see a good reason for changing the setbacks, and
23 did not support the PDO request. Regarding the Packer property, Chair Hayman said there
24 were many ways things could play out in the future. Regarding access to Frontage Road, she
25 said she was persuaded by the goal in the General Plan to limit the number of accesses. With
26 regard to traffic impact, she said she was inclined to trust the experts who had issued
27 statements that traffic impact would be minimal. With regard to drainage, Chair Hayman stated
28 that the PDO was a tool for getting an effective drainage system. She commented that rejecting
29 the PDO request would mean rejecting the proposed comprehensive drainage system. With
30 affordable housing in mind, Chair Hayman said she would not want to place limitations that
31 would force lot prices even higher than already anticipated.
32

33 Commissioner Wright responded that the proposed lot sizes would be possible under R-
34 L without a PDO, and said she was not comfortable with the requested setback adjustments.
35 She suggested that denying the PDO request would likely encourage more affordable housing
36 because the established setbacks would force smaller houses. Commissioner Wright said she
37 agreed with the General Plan goal to limit the number of accesses to Frontage Road, but said
38 she believed access from the subject property would be congruent with the spacing of other
39 cuts along Frontage Road. She commented that adding more traffic to the area with more than
40 60 new units would negatively affect the safety of children walking to the elementary school at
41 2025 North and 400 West, and suggested that adding a local access to Frontage Road would
42 reduce some of the traffic pressure.
43

44 Commissioner Kjar said he believed adding access to Frontage Road would increase
45 traffic flow in the area. Chair Hayman suggested adding Frontage Road access would also
46 contribute to increased traffic speed in the area. Commissioner Summerhays said he agreed
47 with minimizing the number of accesses to Frontage Road, and expressed support for the
48 information provided by traffic experts. Commissioner Wright responded that she had respect
49 for professionals but believed that, in this situation, the residents who lived in the neighborhood
50 and expressed concerns had a greater understanding of the needs in that neighborhood. She
51 suggested the rezone could be approved without approving the PDO request.
52

Chair Hayman pointed out that the PDO proposal included a comprehensive drainage system that would highly benefit the area. Mr. Snyder commented that the Planning Commission could approve the PDO request without approving the setback adjustments. Commissioner Wilcox stated she was not in favor of direct access to Frontage Road from the proposed development, and added that she did not like the proposed setback adjustments.

Commissioner Kjar made a **motion** for the Planning Commission to recommend approval for the R-L Rezone and PDO Conceptual Plan for The Summerhill Lane Development with the following directives and findings, with an added thirteenth directive. Commissioner Summerhays seconded the motion. Commissioner Daly **moved to amend** the motion to remove any adjustments to standard setback requirements as established by Centerville Zoning Code. Commissioner Wright seconded the motion to amend.

Commissioner Kjar said he viewed the proposed setback adjustment as an acceptable give, and suggested that smaller side setbacks tended to go along with more affordable housing. Commissioner Daly expressed the opinion that the tradeoff would not benefit the City enough. Commissioner Wright questioned whether completing the entire drainage system in one phase would be advantageous for the applicant or for the City. She disagreed with the idea that smaller setbacks led to less-expensive housing. Mr. Snyder commented that the City Council was not interested in rezoning the subject property to R-L without a master drainage plan.

The motion to amend the motion to require standard setbacks failed (3-3), with Commissioners Summerhays, Kjar, and Hayman in favor, and Commissioners Wright, Wilcox, and Daly against. Commissioner Wright **moved to amend** the motion to add a fourteenth directive to require access to Frontage Road, to be developed by the applicant as they see fit. Commissioner Daly seconded the motion to amend. Commissioner Wright commented that discussion of The Hive development was up next on the agenda, and stated that the Planning Commission needed to be consistent. She repeated that she did not believe Frontage Road access would be inconsistent with the General Plan, and said she believed the Commission needed to act in response to the public comments made. Chair Hayman said she disagreed, stating that, while she appreciated those who took the time to comment, majority rule was not always correct rule, and part of the Commission's job was doing what they thought best for the community, not what was most popular. The motion to amend the motion by requiring Frontage Road access failed (2-4), with Commissioners Daly and Wright in favor, and Commissioners Kjar, Wilcox, Summerhays, and Hayman against.

The motion to approve the application with a thirteenth directive regarding farm access easement passed by majority vote (4-2), with Commissioners Kjar, Wilcox, Hayman, and Summerhays in favor, and Commissioners Wright and Daly dissenting.

Directives:

1. A Zone Map Amendment of the 17.24 +/- acres from A-L to R-L/PD.
2. The PDO Development shall be limited to 17.24 +/- acres, as depicted on the submitted PDO Conceptual Plans, as received by the City.
3. All Final Development Approvals for Summerhill Lane shall substantially comply with the PDO Conceptual Plan submittals received by the City, unless otherwise amended by the City.
4. The approved R-L Rezone and associated PDO Conceptual Plan shall consist of the following:
 - i. The proposed Overall Conceptual Development Plan, Sheet C1
 - ii. The Preliminary Utility Plan, Sheets C3, C3.1
5. The Land Uses Approved shall consist of the following:

- i. Single-family Uses – Maximum number of dwelling is 66 units.
 - ii. Single-family Home, Building Heights – Primary/main buildings shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
 - iii. Accessory Buildings and Uses – All allowed accessory buildings and uses shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
6. The Summerhill Lane Development shall be subject to obtaining Preliminary and Final Subdivision Approvals, which shall be subject to the following:
 7. All other development regulations and codes that have NOT been modified by the R-L Rezone and PDO Conceptual Plan Approval.
 8. The plan for construction and maintenance of necessary stormwater and applicable groundwater management systems.
 9. The plan and execution methods for the elimination of remnant properties without approved public purposes.
 10. The securement and approval for development of a secondary water system from the applicable secondary water service provider.
 11. The Subdivision Improvement Construction shall be prepared as one development site to support the development in its entirety. However, construction activities regarding actual homes may be phased as independent lots, subject to applicable state and local codes and ordinances.
 12. The Development Variations Allowed for the Summerhill Lane Development are limited to the following:
 - i. CZC 12.32, Development Standards Regarding Lot Width and Setbacks
Some variations to the lot widths and setbacks are allowed, as depicted on the PDO Conceptual Plan. However, required track perimeter setbacks are required and have been referenced on the plan sheets.
 13. Based on applicant's promise that it will grant a minimum 12-foot wide all-weather surface farm access easement that provides access from the south to the Packer property (e.g. between lots 28 and 29). This approval is conditioned upon applicant doing so, subject to any City requirements.

Reasons for Action (Findings):

- a. The Planning Commission finds that proposed rezone for low-density residential uses is consistent with the Northwest Neighborhood Plan.
- b. The Planning Commission finds the PDO request meets the following:
 - i. The proposed development does not conflict with any applicable policy of the General Plan.
 - ii. The proposed development meets the purpose and intent Zoning Ordinance, as set forth in CZC 12.41.010.
 - iii. The proposed development allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
 - iv. The proposed development meets the use and development limitations and other requirements of the zoning with which the PDO Zone is combined, except as otherwise allowed by the PDO provisions.
- c. Lastly, the Planning Commission finds that PDO rezone provides an enhanced tool to address any development-related concerns and maximize the development opportunities for the entire site, and more specifically with regards to concerns raised by the public about stormwater and groundwater management.

The Planning Commission took a brief recess at 10:00 p.m., and returned at 10:03 p.m.

**PUBLIC HEARING – THE HIVE DEVELOPMENT – ZONE MAP AMENDMENT AND
PDO CONCEPTUAL PLAN**

Mr. Snyder presented a revised development plan for property located at 555 North 400 West (Centerville Mobile Home Estates). The applicant submitted an application to redevelop the land and convert the use from a “manufactured home park” to an office site and a combination of single-family and multi-family housing units. The project would consist of a proposed two-part development site that would likely be converted to a two-lot development with planned development (PUD) subdivision for future ownership of housing units. The application involved rezoning a portion of the site to Commercial-High (C-H), leaving the remaining portion in the existing Residential-High (R-H) Zone. The total number of housing units proposed was 68 dwellings (18 single-family and 50 townhomes). Each dwelling unit would have a two-car garage, with alleys providing drive access to each townhome with a garage. The development would be served by a private internal 30-foot wide main roadway with two access points, located at Frontage Road and 400 West.

Darlene Carter with C.W. Urban emphasized that the revised plan was put together with a lot of thought, taking public comments into account. She suggested that office use would be more appropriate fronting Frontage Road than the originally proposed R-H, and pointed out that proposed cross-access parking would benefit the community.

Chair Hayman opened a public hearing at 10:17 p.m.

Jonathan Lysenko – Mr. Lysenko said he lived on Applewood Drive, and stated he participated in development plan meetings regarding the subject property earlier in the year. He said he appreciated that the developer had listened and responded to the concerns about parking, privacy, and density expressed by neighboring property owners. He expressed concern regarding asbestos present in many of the mobile homes on the property, and asked about remediation measures. He mentioned a rodent problem on the property, and requested applicant help with extermination efforts prior to demolition. Mr. Lysenko requested the applicant help remove existing fencing prior to installing new fencing, and requested that new fencing be wind resistant. He also requested preservation of existing trees where possible. Mr. Lysenko explained that these requests were recently emailed to Ms. Carter, with a response received from Ms. Carter within six hours. He expressed appreciation for the response from C.W. Urban, and extended a welcome to the neighborhood.

Chair Hayman closed the public hearing at 10:22 p.m. Commissioner Wright thanked Ms. Carter for efforts to listen and respond to the public comments and requests. Commissioner Wright asked about a light study, and Ms. Carter responded that she would not be opposed to conducting a light study. Responding to a question from Commissioner Summerhays, Ms. Carter said she believed the goal for the office building was around 15,000 usable square feet (approximately 20,000 gross square feet). The proposed street would exceed street width requirements. The Commission discussed office building size and City parking requirements. Ms. Carter confirmed that the development would comply with City parking requirements.

Commissioner Kjar stated that based on experience he believed the size of the office building should be clearly stated and approved, with no additional flexibility. Commissioner Daly suggested approving up to 20,000-gross square feet. Commissioner Kjar responded that he would not be comfortable approving a 20,000-gross square-foot building without review and recommendation from Staff. Chair Hayman pointed out that the Planning Commission was making a recommendation to the City Council, and suggested the Commission could approve with direction for Staff to review the possibility of a 20,000-gross square-foot office building and make recommendation to the City Council. Commissioner Kjar stated he would prefer the full recommendation to come from the Commission. Commissioner Daly expressed a desire to be

sensitive to the applicant's timeline, pointed out that the size of the office building was constrained by parking and landscaping requirements, and said he agreed with Chair Hayman's suggestion. Commissioner Kjar stated he would vote in favor of the application as presented, but would vote against a 20,000-gross square-foot office building without Staff analysis.

Ms. Carter clarified that the rendering and site plan presented was indicative of a 20,000-gross square-foot office building. She said she would not present something different in size. The application called out 15,000-net square feet, but parking counts were calculated by Staff based on 15,000-gross square feet. Mr. Snyder said he would need to review the parking count requirements for a 20,000-gross square-foot building, and pointed out the close proximity of the proposed office building to existing residential. Mr. Snyder calculated that an additional 10 parking stalls would be needed for a 20,000-gross square-foot office building. Commissioner Summerhays pointed out that the building size could go up to 18,000-gross square feet with the proposed parking count. Ms. Carter said she believed they could make 18,000-gross square feet work. Commissioner Kjar pointed out that the issue involved more than parking counts. Ms. Romney commented that square footage of the building was part of the PDO.

Commissioner Daly **moved** for the Planning Commission to recommend approval for the PDO Rezone and Conceptual Plan for The Hive Development, with the following directives and reasons, with maximum gross square feet of 18,000 for the office building subject to all City requirements. Commissioner Kjar seconded the motion, which passed by majority vote (3-2), with Commissioners Kjar and Hayman dissenting.

Directives:

a. **The Hive PDO Rezone** shall consist of the following:

- The PDO Development shall be limited to 6.63 +/- acres associated with Parcel #02-024-0027. Also known as the Centerville Mobile Estates Project.
- A rezone of 0.96 +/- acres from R-H to C-H/PD
- A rezone of the remaining 5.6 +/- acres from R-H to R-H/PD
- The proposed rezone for C-H/PD shall not become effective until the applicable acreage has been officially subdivided and recorded, thereby separating the commercial acreage from the residential acreage.

b. All **Final Development Approvals for The Hive** shall substantially comply with the conceptual plan submittals received by the City, unless otherwise amended by the City.

c. The **approved PDO Rezone and Conceptual Site Plan** shall consist of the following:

- The proposed Overall Conceptual Plan, Sheet AS-100, dated 09/08/2020.
- The Hive LoCi Rework Design Booklet submitted with the Conceptual Site Plan Application.
- Building Exterior Elevations, Sheets A201; Single Family Options A & B, Sheet A102c; Townhome Elevations, Sheets A-000 and A-201, submitted with the Conceptual Site Plan Application.
- The recommendations of the submitted Traffic Impact Study, or as deemed acceptable by the City Engineer, as part of any related Final Plan approval.

d. The **Land Uses Approved** shall consist of the following:

- A Single Building, Office Use – Maximum Gross sq. ft. of 18,000, subject to all City requirements. The building height shall not exceed 42 feet, except for parapets and utility equipment.
- Multi-family Residential Uses – Maximum number of dwellings is 50 units. Building Heights not to exceed 31 feet, as measured to the highest roof peak.

- Single-family Uses – Maximum number of dwellings is 18 units. Building heights not to exceed 30 feet, except for parapets and utility equipment.
 - Accessory Uses, Single-family – Accessory Uses for single-family lots shall be subject to the Zoning provisions of CZC 12.32, Residential Zones. Accessory Buildings 200 sq. ft. or larger shall be prohibited.
 - Accessory Uses, Multi-family – Accessory Uses for multi-family lots shall be subject to the Zoning provisions of CZC 12.32, Residential Zones, and shall be limited to Home Occupations and Household Pets, if allowed by the HOA. Accessory Buildings shall be prohibited, unless approved by the City as part of a needed HOA operation and maintenance facility.
 - Recreational Vehicle Use – restrictions on RV parking with plat notes and CC&R's shall be, at minimum, as follows:
 - **Recreational Vehicle Definition** – A vehicular unit designed as a temporary dwelling for travel, recreation, and vacation use, or a unit designed for hauling, that is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, truck camper, or motor home, and utility/hauling trailer.
 - **Single-family Units** – The use of outside storage of Recreation Vehicles (RVs) located on a lot or in the common space areas for longer than 48 hours shall be prohibited.
 - **Multi-family units** – The use of garages for the storage of Recreation Vehicles shall be prohibited. The temporary outside parking Recreation Vehicles in the common space areas for longer than 48 hours shall be prohibited.
- e. **The Hive Development** shall be subject to **obtaining all related Final Site Plan and Subdivision Approvals**, which shall be subject to the following:
- A Final Site Plan Approval for both the Office and/or Residential Use sites shall be obtained prior to a in conjunction with a Preliminary Subdivision submittal, before obtaining any development/building permit for the development.
 - The Final Site Plan submittal shall address the missing or feasible ordinance requirements that have been identified in the Planning Staff Report, dated September 23, 2020, or as further discovered with subsequent development approvals.
 - The Building Permit for the Office Building shall not be issued until a Final Subdivision Plat has been approved by the City and recorded with the County, thereby separating the commercial acreage from the residential acreage.
 - A cross-access agreement for circulation and parking shall be prepared and recorded as part of a Final Site Plan or Subdivision Plat, as deemed necessary upon a City granted Final Approval.
- f. The **Site Plan/Subdivision and Phased Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities for the office and multi-family buildings may be phased. Single-family buildings may be phased as independent lots. Any phasing to be planned shall be approved with the Final Site Plan.
- g. The **Development Variations Allowed** for The Hive Development are limited to the following:
- CZC 12.36, Table of Uses for R-H Zone regarding Single Family Uses – The base R-H zone does not allow for the development of single-family uses. This PDO approval would allow for development of single-family homes.
 - CZC 12.32, Development Standards Regarding Setbacks – the 400 West Street, Front Yard setback is approved at 20 feet, where 25 feet is required.

- CZC 12.32, Development Standards regarding a Conditional Use Permit for 9-12 Gross Density Units – The PDO approval can adequately mitigate any matters related to a CUP density review.
- CZC 12.51.300, Buffer Standards, regarding C-H to R-H Zone – The PDO Concept Plan Acceptance would alter the buffer standards and allow for shared parking and common amenity space to function as the buffer between the two zoning districts.
- CZC 12.32, Development Standards regarding a Commercial Planned Center Requirement – The PDO request already provides for the integration of the proposed commercial and residential uses. The need for a “planned center” review and approval for use and layout integration is moot.

Reasons for Action (Findings):

1. The Planning Commission finds that proposed rezone for both the C-H/PD and R-H/PD are consistent or conditioned to be consistent with the Northwest Neighborhood Plan.
2. The Planning Commission finds that the PDO review and approval process allows for the modification of the R-H Base Zoning requirements listed in CZC 12.32.300 regarding the maximum gross density and achieves the same or similar results that a Conditional Use Review could achieve.
3. The Planning Commission finds that the PDO review and approval process allows for the modification of the C-H Base Zoning requirements listed in CZC 12.34.300 regarding the planned center requirement and achieves the same or similar results that a Planned Center Review could achieve. The Planning Commission finds the PDO request meets the following:
 - i. *The proposed development does not conflict with any applicable policy of the General Plan.*
 - ii. *The proposed development meets the purpose and intent Zoning Ordinance, as set forth in CZC 12.41.010.*
 - iii. *The proposed development allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.*
 - iv. *The proposed development meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by the PDO provisions.*
4. Lastly, the Planning Commission finds that PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site in compatible manner for the area.

FINAL SITE PLAN AND CONDITIONAL USE PERMIT – 610 NORTH 1000 WEST

On August 12, 2020 the applicant, Justin Manning, received conceptual site plan approval, with a condition that he apply for and receive a Conditional Use Permit for the accessory Vehicle Rental or Sale, Used, Limited use. Justin Manning received a Conditional Use Permit for Sensible Rides of January 9, 2019 as an accessory use to his primary business, Extreme Auto Service. Mackenzie Wood, Assistant Planner, presented the request for Final Site Plan approval.

Justin Manning spoke of continued clean-up efforts on the subject property and adjacent property, and stated all zoning violations on the subject property would be taken care of by October 30th. He requested 12 months to evaluate and remove zoning violations on the adjacent property.

Staff stated the City did not often approve applications with existing code violations. Mr. Snyder stated approval could be conditioned on compliance with Code. He commented that the applicant had already made significant effort. Commissioner Daly pointed out that the adjacent property was not part of the application, and suggested zoning violations on the adjacent property should be a separate enforcement action. Mr. Snyder clarified that items on the subject property were being moved to the adjacent property, both owned by the same property owner. Mr. Manning stated only a few more items would possibly be moved to the adjacent property. He said he would not want to increase the zoning violation on the adjacent property.

Commissioner Daly **moved** for the Planning Commission to approve the Final Site Plan with the following conditions and findings. Commissioner Kjar seconded the motion, which passed by unanimous vote (6-0).

Conditions:

1. Any existing code violations on the subject property as of the date of this decision shall be remedied by October 30, 2020 and shall not be moved or disposed of in violation of City ordinances. Moreover, if any code violations on the adjacent parcel persist longer than 12 months, the City may suspend the applicant's CUP or any permits on the subject property. This condition is expressly based on the applicant's representation that he is willing to bind himself to conditions on the adjacent land.
2. Required 46 parking stalls for operation of vehicle repair and vehicle sales uses shall be paved as part of Phase 1.
3. A 15- to 20-foot utility easement shall be provided over the existing storm drain line per City Engineer's email dated September 14, 2020, to be approved by the City Engineer.
4. 50 percent of the required detention shall be provided during Phase 1, per City Engineer.
5. All construction drawings shall be stamped by a registered Engineer licensed in the State of Utah at a scale not to exceed 1:50.
6. Applicant shall bond with the City for necessary drainage improvements.
7. Site plan shall be updated to show accurate Phase 1 building to include interior parking trees, 50% of the detention pond, and Phase 1 portion of landscaping.
8. Applicant shall provide Building Inspector verification that interior metal wall is sufficient fire-separation between buildings.
9. Applicant shall provide updated civil drawings with only two drive access points.

Reasons for Action (Findings):

- a) The Planning Commission finds that the Final Site Plan conforms to its associated conceptual site plan.
- b) The Planning Commission finds that the Final Site Plan has been reviewed considering the applicable provisions of the Centerville Zoning Ordinance and Centerville Municipal Code, as outlined in the applicable Planning Staff Reports of the related Conceptual Site and Final Site Plan submittals.
- c) Lastly, the Planning Commission finds that any conditions of this approval are limited to achieve compliance with applicable code requirements. [CZC 12.21.110(f)(3)]

Ms. Wood presented the request for Conditional Use Permit for Sensible Rides at 606 North 1000 West. Chair Hayman opened a public hearing at 12:00 a.m., and closed the public hearing seeing that no one wished to comment. Commissioner Daly **moved** to approve the Conditional Use Permit request for Sensible Rides, subject to the following conditions and findings. Chair Hayman seconded the motion, which passed by unanimous vote (6-0).

Conditions:

1. This Conditional Use Permit shall apply only to the user space located at 606 North 1000 West, as proposed by the applicant.
2. This Conditional Use Permit approval is for a Vehicle Rental or Sale, Used, Limited Use.
3. Display vehicle parking shall not be less than four spots, as required by the State of Utah.
4. All display vehicles shall be operable and in good condition, shall be limited to one more than four (4) vehicles, and shall be kept as follows:
 - a. Vehicles for sale shall NOT encumber the use of any required parking stalls, except for the incidental use of deliver/pick-up of the operator or new owner, which shall not exceed a 24-hour period.
 - b. Any vehicle for sale shall NOT be temporarily located in an area that conflicts with needed customer or other tenant parking spaces and vehicle circulation lanes or other similar common area.
5. The loading and unloading of vehicles for sale from a commercial transport truck is prohibited, except for a limited capacity towing trailer not to exceed three (3) vehicles (e.g. wedge-type trailer towed by a pick-up truck).

Reasons for Action (Findings):

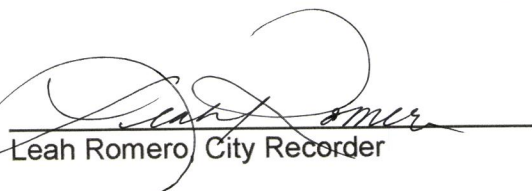
- a. The Planning Commission finds that the land use of vehicle rental or sales, used, limited is a conditional use within the Industrial-High Zone [CZC 12.36 (Table of Uses)].
- b. The use is consistent with the expectation of the City's General Plan [Section 12.430-1 & Future Land Use, Goal 1, 12-480-6].
- c. The Planning Commission finds that the applicant is proposing a limited sales operation as an accessory use to the applicant's business.
- d. The Planning Commission finds that the applicant has enough parking spaces to fulfill the state's dealer minimum requirements of three (3) display stalls and sufficient storage and parking for a limited sales operation.
- e. The Planning Commission finds that with the implemented conditions of approval the criteria for issuance of the CUP have been satisfied, as described in the applicable staff report.

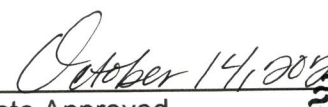
COMMUNITY DEVELOPMENT DIRECTOR REPORT

The Planning Commission was scheduled to meet next on October 14, 2020.

ADJOURNMENT

At 12:02 a.m., Chair Hayman **moved** to adjourn the meeting. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).


Leah Romero, City Recorder


Date Approved


Katie Rust, Recording Secretary

