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PLANNING COMMISSION MINUTES OF MEETING
Wednesday, September 28, 2016
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

Kevin Daly
Cheylynn Hayman
David Hirschi, Chair
Logan Johnson, Vice Chair
Scott Kjar
Becki Wright (via phone)

MEMBERS ABSENT

Gina Hirst

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Vice Chair Johnson

APPRECIATION AND FAREWELL

This was Commissioner Kjar's final meeting as a member of the Planning Commission. Chair Hirschi recognized and expressed appreciation for his service on the Planning Commission, and read a letter of appreciation addressed to Commissioner Kjar from Mayor Cutler.

MINUTES REVIEW AND APPROVAL

The minutes of the September 7, 2016 joint City Council/Planning Commission work session, and the September 14, 2016 Planning Commission meeting were reviewed. Commissioners Wright and Hayman requested amendments to the joint work session minutes. Commissioner Kjar made a **motion** to approve the September 7, 2016 joint work session minutes as amended. Commissioner Hayman seconded the motion, which passed by unanimous vote (6-0). Chair Hirschi, Commissioner Daly, and Commissioner Hayman requested changes to the September 14, 2016 Planning Commission meeting minutes. Commissioner Daly made a **motion** to approve the September 14, 2016 Planning Commission meeting minutes as amended. Vice Chair Johnson seconded the motion, which passed by unanimous vote (5-0), with Commissioner Wright abstaining because she was absent from the September 14, 2016 meeting.

PUBLIC HEARING – SAL BURNAM WOODS 100-FT MONOPOLE TOWER, 1100 WEST PORTER LANE

Cory Snyder, Community Development Director, explained the application to construct a telecommunications facility on the property of the Rowe Family Trust, located within the Industrial Very-High (I-VH) Zone. The site plan depicts a proposed tower with a height of 100 feet and all related support facilities. Additionally, the site plan indicates that the property is to be developed in a phased fashion with the tower site (first phase) occupying a lesser portion of the property. There are no future indications of any proposed uses for the remaining larger area. A telecommunication facility is a "permitted" use in all zones. However, if a monopole exceeds the height of 60 feet, a conditional use permit is required. The proposal includes 10 feet of landscaping along the Porter Lane frontage, which is in line with requirements for the I-VH Zone. Considering the undefined duration of the second phase, staff recommends including an additional 10 feet of landscaping, for a total of 20 feet.

The Zoning Ordinance requires the setback for a monopole to be a minimum of two feet for every foot of pole height from the closest line of any property in an adjacent residential zone. The homes located to the southeast are located within West Bountiful. However, according to the West Bountiful Zoning Map, these homes are in a light industrial zoning district. Thus, the proposed monopole complies with the requirement. Additionally, the Ordinance states the pole must be 100 feet from any public right-of-way or one-foot for every foot of pole height. The proposed location has met this requirement from Porter Lane. Mr. Snyder reported there are no other known monopoles in the immediate area, and other optimal sites for visual screening are equal or even less optimal for locating a monopole from a visual perspective.

Chair Hirschi asked why increasing the landscaping to 20 feet would be important. Mr. Snyder responded that phasing plans are generally disciplined, with an expectation of what the second phase would look like. From a planning standpoint, the first priority is the whole site, and the second priority is the phasing, with full understanding of both phases. In this situation, the second phase is undefined. Mr. Snyder said he feels the front yard setback is the most sensitive place for the second phase. Commissioner Wright commented that an additional 40 feet is significantly taller. She referred to the possibility that the I-VH Zoning might change, and asked if, considering the zoning change, a conditional use permit would allow the City to require mitigation of any impact on the nearby residential neighborhood. Mr. Snyder responded that any effect to be mitigated would have to be clearly defined. The proposal meets minimum standards for distance from residential zoning. Considering discussions regarding the City's vision for the west side and also nearby residential dwelling, Commissioner Wright asked if it was possible to mitigate such a significantly taller pole in such a way that it would be hidden or less noticeable. Ms. Romney responded that City ordinance allows the stealth design poles in Residential and Agricultural Zones, but does not require stealth design poles in I-H or I-VH Zones. It would be problematic to place conditions beyond existing requirements. This current administrative application cannot be subject to future desire or intent. The Planning Commission looked at a Google Maps image of the subject area and confirmed that the proposed tower location meets minimum distance requirements.

Tierney Rowe, representing Epic Towers, LLC, stated she is agreeable to the conditions of approval. She said she feels the proposed 10 feet of landscaping would provide greater flexibility to the property owner in the future, but she is willing to accept the 20 feet of landscaping as a condition of approval. The goal is to create an aesthetically pleasing view for ingress and egress. Ms. Rowe said, in her experience, cities typically approve a conditional use permit when staff indicates all development standards are met, with the condition that final site plan approval must take place before building permit issuance. She asked if the conditional use permit could be approved at this time with stated conditions. Ms. Rowe clarified that Epic Towers is a third party structure provider. This tower is being built initially for Verizon, but will

1 be designed to accommodate three or four different carriers. She said the tower would improve
2 an existing coverage gap in the area. A fence would back the 20 feet of landscaping, and a
3 second fence would surround all internal structures. The proposed landscaping includes
4 shrubs, trees, an irrigation system, and appropriate mulch and grass.

5
6 Richard Rowe, property owner, said he has spoken with the residential property owners
7 who would be most affected by the tower, and they did not indicate any concerns or problems
8 with the project. He said he is fine with the increased landscaping, and he expressed a desire
9 to be a good neighbor, and for the property to look nice.

10
11 At 7:58 p.m., Chair Hirschi opened a public hearing, and closed the public hearing
12 seeing that no one wished to comment. Vice Chair Johnson asked Mr. Snyder if the discussed
13 zone change would affect the application. Mr. Snyder indicated it would not. He also explained
14 that the Centerville ordinance does not address jurisdictional boundaries. The distance
15 requirements apply to any residential zone. Chair Hirschi made a **motion** to accept the
16 Conceptual Site Plan for a 100-foot monopole tower (wireless telecommunications facility) to be
17 located at approximately 1100 West Porter Lane (400 South), with the following directives and
18 findings. Vice Chair Johnson seconded the motion, which passed by unanimous vote (6-0).

19
20 Directives:

- 21
22 1. A final site plan shall be prepared and submitted in accordance with the City's Final
23 Site Plan Application requirements.
24 2. The final site plan submittal shall address the following matters to be considered for
25 a phased approval:
26 a. Address the issue of the unapproved vehicle storage use
27 b. The entire required front yard be a 20-foot required setback depth (not the
28 depicted 10-foot) must be landscaped and maintained properly
29 c. The approach and driveway access to the 20-foot depth must be hard
30 surfaced to keep the public roadway clear of mud and debris
31 3. The final site plan shall address the size of the cellular antennas, which must not
32 exceed 10 feet high and 15 feet wide, the height of the mechanical cabinets, wind
33 load, and the material of the pole are to be designed a dull non-glaring metal.
34 4. The minimum height to begin the climbing pegs on the monopole must be at least 20
35 feet.
36 5. All electrical and communication cables servicing the monopole must be buried
37 underground and all mechanical equipment shall be located within sealed cabinets.
38 6. The cell tower and all associated mechanical equipment shall be fully screened by a
39 6-foot vinyl coated chain link fence with slats.
40 7. The applicant will be required to submit copies of required permits from pertinent
41 federal agencies establishing compliance with applicable federal regulations, prior to
42 the issuance of a building permit.

43
44 Findings:

- 45
46 a) A conceptual site plan is not intended to permit actual development of property
47 pursuant to such plan but shall be prepared and reviewed merely to represent how
48 the property could be developed.
49 b) These directives for acceptance are limited to and needed to modify the final site
50 plan to the Development Approval Standards and Ordinance requirements.

51
52 Chair Hirschi explained that the Planning Commission has experienced situations when
53 CUPs have been conditioned upon final site plan, only to find there were issues raised in the
54 final site plan that had not been considered at conceptual, resulting in a change to CUP

1 requirements. The Planning Commission has more recently been consistent with tabling CUP
2 approval until final site plans are submitted. Commissioner Daly made a **motion** for the
3 Planning Commission to table CUP review and approval for the proposed site with the following
4 directives. Commissioner Hayman seconded the motion, which passed by unanimous vote (6-
5 0).

6
7 Directives:

- 8
9 1. A final site plan shall be prepared and submitted in accordance with the City's Final
10 Site Plan Application requirements.
11 2. The decision for issuance of the CUP will be made jointly with the final site plan
12 decision.

13
14 **PUBLIC HEARING – CODE TEXT AMENDMENT TO PROHIBIT FLAG-LOT**
15 **DEVELOPMENT**

16
17 In 2011, the City received a petition from landowners that desired to develop a flag-style
18 lot. Prior to that time, the City had rescinded an earlier Ordinance allowing flag lots. As a result
19 of that particular petition, the City adopted a "new version" of the Flag-Lot Ordinance. However,
20 this new Ordinance only allowed the use of flag-style lots as a last resort option for underutilized
21 parcels. The current Ordinance limits the use of flag lots to the Residential-Low (R-L) and
22 Residential-Medium (R-M) Zones. Additionally, all development on a flag lot is limited to a
23 single-family home, regardless of the allowed zoning densities. On September 4, 2016, the City
24 Council directed staff and the Planning Commission to review the flag-lot ordinance and to
25 consider rescinding or prohibiting flag-lot configuration in any type of subdivision development.
26 Following that direction, an ordinance to repeal has been prepared. However, Mr. Snyder
27 stated he does not recommend elimination of the flag-lot provisions. Centerville is
28 predominantly residential, with many underutilized parcels. He expressed the opinion that
29 eliminating flag-lot development as an option would be penalizing residents who have held onto
30 their property and their way of life, and have not sold out earlier to development. The ordinance
31 does not allow flag lots randomly; it is used as a last resort tool for infill.

32
33 Chair Hirschi opened a public hearing at 8:14 p.m.

34
35 Kevin Merrill – Mr. Merrill said there seem to be many residents in Centerville who do not
36 grasp the desire of others to live in Centerville. He said he feels to repeal this ordinance would
37 leave one less option for property owners, and take away the possibility for prospective buyers
38 to enjoy all that Centerville has to offer. He said he hopes the Commission will consider staff's
39 recommendation to not eliminate the flag-lot ordinance.

40
41 Chair Hirschi closed the public hearing at 8:15 p.m. Commissioner Kjar said he agrees
42 with Mr. Merrill. He said the flag-lot ordinance is a tool that is used infrequently and sparingly.
43 The City is in a situation now where flexibility for infill is needed. Commissioner Kjar said he
44 thinks it would be shortsighted to repeal the ordinance. Chair Hirschi stated that leaving
45 properties undevelopable creates the potential for nuisance and other issues. Centerville is
46 limited in its land use potential for new homes. Chair Hirschi agreed that to take the opportunity
47 for development away from property owners, and the opportunity away from those who would
48 purchase property and build a single-family residence would be shortsighted. Vice Chair
49 Johnson pointed out that the ordinance does not force development of flag lots. Property
50 owners wanting to maintain large properties can do so. Vice Chair Johnson said he feels
51 removing the tool would be a detriment to property rights and healthy community development.

52
53 Commissioner Hayman agreed that flag lots can serve a purpose in certain
54 circumstances. However, she said she has seen flag lots used in situations that caused her

1 concern, such as the Martha's Place situation. Mr. Snyder clarified that the Martha's Place
2 project application changed from a flag lot to a medium density project. Flag lots are allowed for
3 single-family use only. Commissioner Kjar stated he thinks the direction from the Council stems
4 from a desire to prevent density. He said he understands the desire to limit density, but he does
5 not see the flag-lot ordinance as opening the floodgates to high density. Commissioner
6 Hayman asked Mr. Snyder if the Council cited particular parcels of concern as a reason for the
7 direction. Mr. Snyder responded the Council did not give particular examples. He said he feels
8 situations such as Martha's Place may have created confusion regarding multi-family use. He
9 said there has also been concern over the height and privacy issue, with a two-story residence
10 built on a flag lot with single-story homes surrounding. Commissioner Kjar responded that
11 difference in height occurs in normal residential development. The flag-lot ordinance has better
12 setback separation than regular R-L development. Chair Hirschi agreed, adding that his
13 neighbors have a better view of his backyard than he does. Mr. Snyder said the issue has been
14 compounded by the concerns of property owners who never imagined that fields behind their
15 properties would ever be developed.

16
17 Commissioner Daly stated he would rather remove the flag-lot ordinance because, while
18 the math works out regarding units per acre, he thinks flag lots feel like density. He said he
19 feels there is a place in the community for large lots. Centerville is pretty well built out – what
20 you see is what you get. He said he would not want the city to feel like development is put in
21 every nook and cranny. Commissioner Hayman said she would not be inclined to repeal the
22 ordinance forever. She agreed with Mr. Snyder that it deserves a more nuanced approach.
23 Chair Hirschi acknowledged there are other ways to deal with infill, but said he feels it would be
24 lazy planning to throw the ordinance out and say flag-lot development cannot occur no matter
25 what. He said he would love to see direction come back to the Planning Commission from the
26 Council to put the flag-lot ordinance on the goal list for next year. Commissioner Wright pointed
27 out that to expect plans and ordinances to be perfect for every situation is unrealistic. The
28 ordinance needs to be improved and concerns addressed, but she said she feels it would be
29 unwise to simply throw everything out.

30
31 Commissioner Hayman stated that, from a practical perspective, she would like the
32 Council to articulate their concerns so the Planning Commission can do their job and work at
33 correcting the problems. She expressed concern that if the ordinance is repealed now, the
34 issue will sit on the back burner for a few years until a property owner submits a request. She
35 said she is inclined to disagree with the Council's proposal because she would like to see it
36 addressed sooner rather than later. Chair Hirschi voiced his fear that regardless of the Planning
37 Commission's recommendation to not repeal, the Council will repeal anyway. He asked Ms.
38 Romney if there is a mechanism like a TZRO that could be put in place to give time to resolve
39 concerns. Ms. Romney responded that a TZRO has strict requirements for implementation.
40 Commissioner Kjar said it would be interesting to know what surrounding communities have in
41 place for flag lots and infill. He said he understands the comment that flag lots feel like density,
42 but he does not feel it is realistic for property owners to expect neighborhoods to stay the same
43 as when they moved in. Commissioner Wright added that requesting or desiring the city to
44 remain the same and never change is not only unrealistic, but also dangerous, because it would
45 cause stagnation and a lack of vibrancy. She stated she is not wanting the city to completely
46 change, but the city cannot pretend things will not change, and should instead manage change.
47 Commissioner Daly said he feels there is a place for all different sizes of lots, and the city needs
48 to be careful to not run around turning everything into the minimum allowed size. Commissioner
49 Kjar responded that having the ordinance in place does not mean properties are required to
50 change. Commissioner Hayman commented that, if the desire is to keep density low, flag lots
51 are a good trade-off considering the single-family dwelling requirement.

52
53 Vice Chair Johnson made a **motion** that the Planning Commission not recommend
54 elimination of the flag-lot provisions from the Subdivision and Zoning Ordinances for reasons

1 (a)-(g). Chair Hirschi seconded the motion, which passed by majority vote (5-1), with
2 Commissioner Daly dissenting.

3
4 Reasons:

- 5
6 a. The Planning Commission finds that the flag-lot provisions are consistent with the
7 housing element of the General Plan, which indicates that the primary focus of
8 residential development is for single-family uses.
9 b. The Planning Commission finds that the current Zoning Ordinance regulates the lot
10 area, width, and depth and finds that the current dominate single-family R-L and R-M
11 Zoning District require a minimum lot width of 60 feet, which prohibits the use of a
12 narrower corridor and essentially eliminates use of a typical flag-lot design for
13 oversized and underutilized parcels scattered throughout the City.
14 c. The Planning Commission finds that flag lots are not permitted as part of the
15 conventional subdivision plat review and approval processes, and are used as a last
16 resort option for oversized and underutilized parcels scattered throughout the city.
17 d. The Planning Commission finds that the current flag-lot regulations account for the
18 fair application of the City's gross densities of the zoning districts for oversized and
19 underutilized parcels scattered throughout the city.
20 e. The Planning Commission finds that the allowance of flag lots, with the regulations
21 that are in place, can create compatible building orientation and placement on
22 properties that can temper and mitigate any visual and sometimes physical impacts
23 that are not the expected norm to the typical residential development patterns of
24 today (or if deemed necessary be adjusted).
25 f. The Planning Commission finds that the flag-lot regulations can adequately to
26 appropriately address building height relationships to adjust properties, application of
27 front, side and rear yard setbacks, use of accessory structures, utility service laterals,
28 fire suppression access and turnarounds, stem or pole use and maintenance (or if
29 deemed necessary be adjusted).
30 g. Given findings listed above, the Planning Commission finds that the current flag-lot
31 regulations have been adequately reviewed using the Zoning Ordinance "Factors to
32 be Considered" of Section 12.21.080(e)1-4 and the Subdivision Ordinance "General
33 Decision-Making Standards" of Section 15.1.114(1.2).
34

35 Mr. Merrill said he feels it is good to have the Commission's discussion in writing for the
36 Council to read, but it would be even more powerful if the Planning Commissioners attended a
37 Council meeting in person to express their opinions. Chair Hirschi said he would appreciate
38 hearing the Council's specific concerns so the Commission can address them from a planning
39 standpoint.
40

41 TRAINING BY CITY ATTORNEY

42
43 Ms. Romney provided training regarding the role of the Planning Commission, the
44 relationship between the Planning Commission and the City Council, and the legal framework
45 for Administrative and Legislative decisions.
46

47 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

- 48
49 • The Planning Commission is scheduled to meet on October 12, 2016.
50 • Commissioner Daly asked if it would be possible to post all public notices in a
51 centrally located place. Mr. Snyder showed that all public notices are available on
52 the City website. Ms. Romney added that citizens are able to sign up to receive
53 meeting agendas automatically via email.

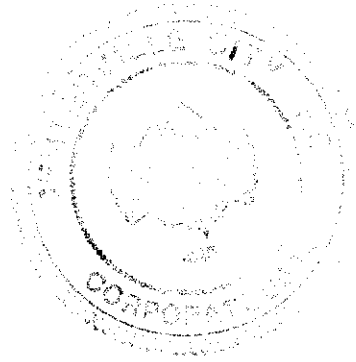
ADJOURNMENT

At 9:18 p.m., Chair Hirschi made a **motion** to adjourn the meeting. Vice Chair Johnson seconded the motion, which passed by unanimous vote (6-0).


David Hirschi, Chair

10-12-2016
Date Approved


Katie Rust, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, September 28 2016
7:00 p.m.

NAME (PLEASE PRINT) _____

ADDRESS**

Tienney Rowe
Richard Rowe

Richard Rowe

Kevin Meffert

1451 Lantern Lane Draper, UT 84020
692 W 2250 NO. W.B.

692 W 2250 NO. W.B

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** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.