

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, November 10, 2021
7:00 p.m.

A quorum being present at 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, Chair
Mason Kjar
Heidi Shegrud
Spencer Summerhays
Christina Wilcox
Becki Wright

MEMBER ABSENT

Matt Larsen

STAFF PRESENT

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

VISITORS

Anthony Sowell, Truck World
Jeremy Draper, Young & Associates
Ron Hale, Center Point Construction

PLEDGE OF ALLEGIANCE

OPENING COMMENTS/LEGISLATIVE PRAYER Commissioner Wright

PUBLIC HEARING – CONDITIONAL USE PERMIT – TRUCK WORLD

On October 27, 2021, the Planning Commission approved the Final Site Plan for the Final Expansion Phase for ACC Truck World, subject to conditions that included approval of an amended Conditional Use Permit (CUP) within 45 days. The applicant desired to receive a CUP approval to allow them to utilize a parking lot expansion for their dealership located on Frontage Road (former Land Rover Dealership). Community Development Director Cory Snyder reviewed with the Planning Commission the existing CUP for the site, as amended in 2011, and recommended approval of the proposed amended CUP with conditions outlined in the staff report included with the agenda.

Responding to a question from Chair Daly, Mr. Snyder said he was not able to explain Planning Commission reasoning behind the condition in the original CUP regarding business hours of operation. Based on experience with other CUPs, he said the difference between when employees would arrive to begin repair work and when the office would open to the public, may have prompted the statement regarding business hours of operation.

Mr. Snyder explained that Commercial High (C-H) and Commercial Very High (C-VH) were very similar, with a difference in the size of building allowed. He said uses allowed in the two zones were similar, with some differences in whether uses were permitted or conditional. He stated there was no standard for hours of operation in either zone. Commissioner Summerhays asked if the noise ordinance addressed the hours of operation issue in some sense. Mr. Snyder responded that the noise ordinance was in force between 10:00 p.m. and

6:00 a.m. He expressed the opinion that restricted hours of operation were outside the scope of a CUP unless the restricted hours helped to mitigate a specific concern. Mr. Snyder said staff carried the business hours of operation over to the proposed amended CUP because the permit had been valid and the hours of operation accepted for a period of time.

Anthony Sowell with Truck World explained that operations within the building began roughly at 8:00 a.m. He said all operations were within the building, and noise impact would be minimal. Auto sales would conclude at 8:00 p.m. Responding to a question from Commissioner Kjar, the applicant explained potential noises that may occur on the site (e.g., chains, winch, pressure washer). Commissioner Kjar questioned whether an underlying impact different from the character of the underlying zone (C-VH) could be identified, and expressed the opinion the City should not interfere with the hours of operation.

Chair Daly opened a public hearing at 7:25 p.m., and closed the public hearing seeing that no one wished to comment. Commissioner Kjar suggested striking the condition regarding tailored hours of operation. Commissioner Wright said she understood the reasoning, but pointed out the site was near residential areas, and the City had not experienced issues with the condition with the previous owner of the site. She suggested the condition should remain in the amended CUP. Responding to a question from Commissioner Wright, Mr. Snyder said a CUP was difficult to rescind unless one of the conditions were violated. Chair Daly pointed out landscape buffering required on the site, and said he did not see a detrimental impact that would require a restriction of hours of operation. The Planning Commission and staff discussed lighting requirements. Commissioner Wright stated the applicant did not seem to have a problem with the proposed condition regarding hours of operation, and said she believed the condition was warranted considering nearby residential. She said she would not want to strike the condition and leave the door open to potential impact.

The Planning Commission discussed the possibility of changing the allowed business hours of operation. Commissioner Kjar commented that residences tended to wind down around 8:00 p.m., and wind up around 8:00 a.m. Commissioner Shegrud pointed out the close proximity of the freeway to the residential in question, and suggested the residents were not going to hear anything above the sound of the freeway.

Commissioner Wright **moved** to approve an amended CUP for the ACC Truck World expansion, located at 155 South Frontage Road, subject to Conditions 1-7 and with Reasons for Action (a)-(f), changing 10:00 a.m. to 8:00 a.m. and removing separate hours for Saturdays on Condition 3. Commissioner Kjar seconded the motion. Chair Daly said he did not see a big enough impact to the residential, and **moved to amend** the motion to strike Condition 3 and Reason for Action (c), and renumber appropriately. Commissioner Shegrud seconded the motion to amend. Commissioner Kjar said he believed there was substantial evidence in the record to tie the 8:00 a.m. to 8:00 p.m. hours of operation to mitigation of the minimal impact to nearby residences. Chair Daly pointed out that the sun did not set until later than 8:00 p.m. in the summer, and Commissioner Shegrud said she often appreciated when businesses were open until 10:00 p.m. Chair Daly and Commissioner Shegrud expressed support for removing Condition 3. Commissioner Summerhays suggested changing the hours in Condition 3 to 8:00 a.m. – 9:00 p.m. The **motion to amend failed** (2-4), with Commissioners Daly and Shegrud in favor and Commissioners Kjar, Summerhays, Wilcox, and Wright dissenting.

Commissioner Summerhays **moved to amend** the motion, changing Condition 3 to 8:00 a.m. to 9:00 p.m. Commissioner Wilcox seconded the motion to amend. Commissioner Summerhays said he suggested 9:00 p.m. for convenience, recognizing that many people worked late and needed to shop late, and the applicant may want to extend hours at some point. Commissioner Kjar responded that Commissioner Summerhays had identified a business aspect of the applicant, not a potential detriment to be mitigated. Commissioner Summerhays

1 said he was trying to find middle ground, and believed the mitigation was in not allowing the
2 business to open earlier or close later. Commissioner Kjar said he would vote in favor because
3 an impact needing mitigation had been identified. The **motion to amend passed** by majority
4 vote (4-2), with Commissioners Daly, Kjar, Summerhays, and Wilcox in favor, and
5 Commissioners Shegrud and Wright dissenting. The **amended motion passed** by unanimous
6 vote (6-0).

7 8 **YOUNG POWERSPORTS – PARKING MODIFICATIONS** 9

10 Mr. Snyder explained the applicant desired a parking modification based on specific
11 needs. The applicant submitted a parking study to the City, with a desire to avoid creating
12 unnecessary parking areas that would be essentially unused. The current site plan showed 245
13 parking stalls, the parking study showed a need for 164 parking stalls, and the in-progress
14 parking recommendation from staff was around 193 parking stalls. A representative of the
15 applicant asked the Planning Commission to consider the maximum number of parking stalls
16 recommended by the parking study. He said he would be fine with the 2.5 stalls per 1,000 gross
17 floor area of the building (approx. 193 stalls) as recommended by staff.

18
19 Ron Hale with Center Point Construction said he believed the building currently on the
20 site would be replaced with a similarly sized building. Building plans were not yet finalized.
21 Commissioner Kjar said he would not want significant changes to make additional review of
22 parking necessary with the application for final site plan approval. Mr. Hale said he did not
23 believe the parking would change. He said he believed the new building would bring a lot of
24 value to the applicant and to Centerville.

25
26 Commissioner Shegrud suggested accepting the number of parking stalls recommended
27 by the professionally prepared parking study. Mr. Snyder commented that 164 parking stalls
28 made him nervous in terms of future use of the building. He said it was important not to under-
29 park the site for future potential use, and suggested staying closer to 190 parking stalls. Mr.
30 Snyder suggested the parking modification could be tabled until final site plan review. City
31 Attorney Lisa Romney suggested the Planning Commission give the applicant an indication of
32 expected parking to assist in engineering the final site plan. Mr. Hale said he thought 190
33 parking stalls would be sufficient.

34
35 Chair Daly **moved** to grant a parking modification for Young Power Sports Development,
36 to be located at 695 West Porter Lane, subject to the following conditions and with the following
37 reasons for action. Commissioner Summerhays seconded the motion, which passed by
38 unanimous vote (6-0).

39 40 Conditions: 41

- 42 1. This modification is only for Vehicle Rental or Sale, New, Limited and Vehicle Rental
43 or Sale, Used, Limited and is not transferable to another location within the City.
44 However, this modification may be transferred to another identical use at this
45 location.
- 46 2. The associated Final Site Plan Approval shall depict a minimum parking count of 2.5
47 stalls per 1,000 gross floor area of the building, subject to all applicable development
48 standards at Final Site Plan Review and Approval.

49 50 Reasons for Action: 51

- 52 a) The Planning Commission finds that a parking modification is permitted with approval
53 from the Planning Commission based on a parking study [CZC 12.52.110(e)(2)].

- 1 b) The Planning Commission finds that the submitted parking study has been used to
2 calculate parking demand based on the land use recommendations from the ITE
3 [CZC 12.55.110].
4 c) The Planning Commission finds that the parking study involved using trip generation
5 and time of day criteria, in which the study concluded that the peak use parking need
6 will be 164 stalls.
7 d) The Planning Commission finds that the parking analysis supports the findings 1
8 through 3 related to approving a parking modification [CZC 12.52.110(c)].
9

10 **PUBLIC HEARING – ZONE TEXT AMENDMENT – INTERNAL ADU**

11
12 Community Development Director Cory Snyder stated the City Council directed staff and
13 the Planning Commission to consider altering the ownership residency definition in the Internal
14 ADU Ordinance from 180 days to 183 days. The 183-day timeframe would match the State
15 statute regarding primary residence status for property taxation.
16

17 Chair Daly opened a public hearing at 8:25 p.m., and closed the public hearing seeing
18 that no one wished to comment. Commissioner Wright **moved** to recommend approval of the
19 proposed Zoning Text Amendment for Internal Accessory Dwelling Units increasing the owner-
20 residence definition to 183 Days, with the following reasons for action. Commissioner Kjar
21 seconded the motion, which passed by unanimous vote (6-0).
22

23 **Reasons for Action:**

- 24
25 a) The Planning Commission finds that the City Council directed the staff and
26 Commission to review the owner residency definition and consider a modification to
27 183 days.
28 b) The Planning Commission finds that proposed ordinance amendment remains
29 consistent with the City's General Plan.
30 c) The Planning Commission finds that proposed ordinance amendment is consistent
31 with State statutes regarding the owner's property rate of taxation for a primary
32 residence.
33

34 **LAND USE TRAINING – MUNICIPAL LAND USE, DEVELOPMENT, AND**
35 **MANAGEMENT ACT – PART 9 – VESTED CRITICAL INFRASTRUCTURE**

36
37 City Attorney Lisa Romney provided training on the Municipal Land Use, Development,
38 and Management Act regarding vested critical infrastructure, and answered questions from the
39 Planning Commission.
40

41 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

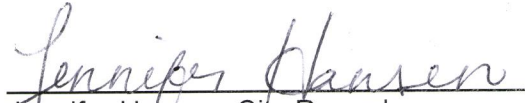
42
43 The Planning Commission was scheduled to meet next on December 8, 2021. Mr.
44 Snyder provided an update regarding recent City Council actions.
45

46 **MINUTES REVIEW AND ACCEPTANCE**

47
48 Minutes of the October 27, 2021 meeting were reviewed and amendments requested.
49 Commissioner Summerhays **moved** to approve the minutes as amended. Commission Wilcox
50 seconded the motion, which passed by unanimous vote (6-0).
51

ADJOURNMENT

At 8:39 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Wright seconded the motion, which passed by unanimous vote (6-0).


Jennifer Hansen, City Recorder

12-13-2021
Date Approved


Katie Rust, Recording Secretary

